

March 12, 2020

Legal Division
State Ethics Commission
One Ashburton Place
Boston, MA 02108

RE: Disclosure under M.G.L. Chapter 268A, Section 6

Dear Sir/Madam:

Pursuant to M.G.L. Chapter 268A, Section 6, I enclose the following documents for filing with the Ethics Commission as required under the statute:

1. Disclosure of Financial Interest form and Memorandum, dated February 13, 2020, from Associate Professor Jacquie Kurland to request permission to extend appointment of her spouse, Polly Stokes, as a part-time (8 hours/week) Speech Language Pathologist/Lab Manager for an additional 12-month period of bridge funding (March 22, 2020 – March 21, 2021) pursuant to her recently awarded Faculty Research Grant.
2. My letter of determination, dated March 12, 2020, which permits Associate Professor Jacquie Kurland to extend appointment of her spouse, Polly Stokes, as a part-time (8 hours/week) Speech Language Pathologist/Lab Manager for an additional 12-month period of bridge funding (March 22, 2020 – March 21, 2021) pursuant to her recently awarded Faculty Research Grant.

Very truly yours,



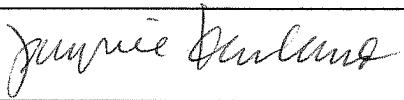
Kumble R. Subbaswamy
Chancellor

Enclosures

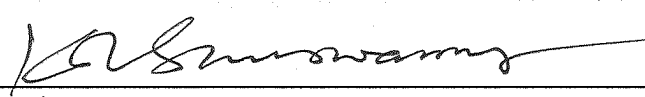
**DISCLOSURE BY NON-ELECTED STATE EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 6**

| | |
|---|---|
| | STATE EMPLOYEE INFORMATION |
| Name: | Jacquie Kurland |
| Title or Position: | Associate Professor |
| State Agency: | University of Massachusetts Amherst |
| Agency Address: | Dept. of Communication Disorders 358 North Pleasant Street Amherst, MA 01003 |
| Office Phone: | (413) 545-4007 |
| Office E-mail: | jkurland@comdis.umass.edu |
| | My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed. |
| | PARTICULAR MATTER |
| Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding. | Please describe the particular matter. This disclosure is in the matter of re-appointing my spouse to fulfill the role of part-time Speech Language Pathologist/Lab Manager in my research laboratory. Please see copy of attached letter to UMass Amherst Chancellor Subbaswamy. |
| Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other. | Please describe the task you are required to perform with respect to the particular matter. I am the principal investigator on the research studies performed in the lab. |
| | FINANCIAL INTEREST IN THE PARTICULAR MATTER |
| Write an X by all that apply. | <input type="checkbox"/> I have a financial interest in the matter. <input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter. |

RECEIVED
 STATE ETHICS COMMISSION
 2020 MAR 17 PM 2:14

| | |
|----------------------------------|---|
| Financial interest in the matter | Please explain the financial interest and include a dollar amount if you know it. Fifty-two weeks hourly (8 hours/week through March 21, 2021) un-benefitted salary: \$ 12,866,88 |
| Employee signature: |  |
| Date: | 2/13/20 |

DETERMINATION BY APPOINTING OFFICIAL

| | |
|--|---|
| | APPOINTING AUTHORITY INFORMATION |
| Name of Appointing Authority: | Kumble R. Subbaswamy |
| Title or Position: | Chancellor |
| Agency/Department: | Chancellor's Office |
| Agency Address: | University of Massachusetts – Amherst 374 Whitmore Administration Building Amherst, MA 01003 |
| Office Phone: | (413) 545-2211 |
| Office E-mail | chancellor@umass.edu |
| | DETERMINATION |
| Determination by appointing authority: Write an X by your selection. | As appointing official, as required by G.L. c. 268A, § 6, I have reviewed the particular matter and the financial interest identified above by a state employee. <input type="checkbox"/> I am assigning the particular matter to another employee, or <input type="checkbox"/> I am assuming responsibility for the particular matter, or <input checked="" type="checkbox"/> I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commonwealth may expect from the employee. |
| Appointing Authority signature: |  |
| Date: | 3/12/2020 |
| Comment: | |

Attach additional pages if necessary.

File copy with:

State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108

February 13, 2020

Re: Disclosure and Compliance with Conflict of Interest Law on Spousal Hire
for Part-time Speech Language Pathologist / Lab Manager (Kurland, PI)

Dear Chancellor Subbaswamy,

I am writing to request your approval in compliance with the Conflict of Interest Law on Spousal Hire, so that I may continue to fill a key personnel position in my lab. The extension I am requesting is for a period of bridge funding (March 22, 2020 – March 21, 2021) to re-appoint my spouse, Polly Stokes (M.S., CCC-SLP) to a part-time (8 hours/week) position of Speech Language Pathologist/Lab Manager (currently classified in HR as Department Assistant). I will pay for this position from General Operating Funds that I received, mostly in compensation for participating on the MSP Contract Negotiations team. This bridge funding will allow my Speech Language Pathologist (SLP), who currently serves as both clinician and lab manager, to continue to assist me with grant proposal preparation, as well as to complete Phase 2 (post-treatment testing) of a two-phase pilot study award I received from a Faculty Research Grant that expires in May 2020.

In the interest of avoiding any appearance of conflict of interest, Dr. Karen Helfer (Professor, Communication Disorders), has agreed to be the supervisor of record.

Over the last 8 years, in accordance with the UMass Nepotism Policy, I have obtained the support of my Chair and the Dean of SPHHS, as well as your determination that I could proceed with the hire and re-appointment and UMass has filed the appropriate Disclosure Form with the State Ethics Commission. Since your last letter of determination allowed for another seven months re-appointment through March 22, 2020, which was all I had funding to cover at that time, I am now again seeking approvals from my Chair, my Dean, and from you.

For your information, over the last period since reappointing Polly, we have been working hard on developing a test of transactional success in conversation in post-stroke aphasia. Thanks to the FRG award this year, we completed acquisition of the first phase of testing data, i.e., collection of story retellings from 96 neurotypical controls. Polly has recently completed pre-treatment testing of a cohort of participants with aphasia, the first half of the second phase of the FRG-funded study, *"A Valid, Reliable, Clinically Feasible Measure of Transactional Success in Aphasic Conversation"*. These two datasets are being transcribed and analyzed, and will be used as pilot data for an R01 proposal to be submitted in October 2020 to NIH, *"Validating the Brief Assessment of Transactional Success (BATS): A Clinically Feasible Measure of Transactional Success in Aphasic Conversation"*.

As before, Polly is still heavily involved in subject recruitment, training, testing, data management, data analysis, and preparation of tables and graphs for dissemination of the grant results. She is also still responsible for training, scheduling, and managing the majority of our part-time and temporary personnel, including the research assistants, and student volunteers. She has assisted me with preparation and editing of manuscripts and presentations for scientific meetings, and maintenance of our IRB e-protocol.

As I have noted before, I owe a great deal of the successful administration of the BRoCA lab's research studies to my current SLP/Lab Manager, Polly Stokes. Beyond her academic training and clinical competence, she has demonstrated a remarkable ability to keep focus on both the big picture and small details of the grants, always maintaining a calm temperament under fire. We have worked under tremendous pressure to meet our deadlines despite lab space limitations. She is unfazed by the challenges, has met the recruitment/enrollment plans, and is maintaining relationships with the local area stroke survivors and rehabilitation specialists to ensure that we will continue to be able to recruit large numbers of aphasic stroke survivors in future externally funded research. It is no exaggeration to say that this clinical research would not be possible without her contribution to the lab.

As stated earlier, we are in the process of applying for new NIH funding, and I am anxious to keep the same team in place in order to continue the successful implementation of our clinical research. My aphasia research lab is currently designing a study investigating transactional success in conversation, in order to develop a practical, clinically feasible tool for measuring treatment-induced gains in conversation. This work, as before, will depend critically on the clinical and managerial expertise of Polly Stokes. Hiring a new SLP/Lab Manager – and the time it would take to train and get the new person up to speed with the diversity of tasks and responsibilities – would sabotage Phase 2 of the current FRG study, which is enabling us to collect pilot data for the new R01 proposal.

I therefore respectfully request your determination regarding this disclosure for the next 12-month period of bridge funding (i.e., March 22, 2020 – March 21, 2021). I have obtained the support of my Chair (Dr. Sarah Poissant) and the Dean of SPHHS (Dr. Anna Maria Siega-Riz) as demonstrated by their signatures below.

Thank you in advance for your consideration and approval of my request at your earliest convenience. If you have any concerns or questions in this matter, feel free to contact me.

March 12, 2020

Jacquie Kurland, PhD
Associate Professor
Department of Communication Disorders
School of Public Health & Health Disorders
University of Massachusetts Amherst
358 North Pleasant Street
Amherst, MA 01003-9296

Dear Dr. Kurland:

I acknowledge receipt of your February 13, 2020 Memorandum and Disclosure of Financial Interest. You request permission to extend appointment of your spouse, Polly Stokes, as a part-time (8 hours/week) Speech Language Pathologist/Lab Manager for an additional 12-month period of bridge funding (March 22, 2020 – March 21, 2021) pursuant to your Faculty Research Grant (FRG# P1FRG0000000251: “A Valid, Reliable, Clinically Feasible Measure of Transactional Success in Aphasic Conversation”). You state that this approval will allow Ms. Stokes to continue to assist you with the grant proposal preparation, as well as to complete Phase 2 (post-treatment testing) of a two-phase pilot study award from the FRG that expires in May 2020. Additionally, you indicate that Ms. Stokes’ salary for this 12-month period will be \$12,866.88.

You note that over the past year you have been working hard on developing a test of transactional success in conversation in post-stroke aphasia and have completed acquisition of the first phase of testing data, i.e. collection of story retellings from 96 neurotypical controls. You indicate that Ms. Stokes has recently completed pre-treatment testing of a cohort of participants with aphasia, the first half of the second phase of the FRG-funded study. You further explain that these two datasets are being transcribed and analyzed, and will be used as a pilot data for an R01 proposal to be submitted in October 2020 to NIH “Validating the Brief Assessment of Transactional Success (BATS): A Clinically Feasible Measure of Transactional Success in Aphasic Conversation”.

You state that you owe a great deal of the successful administration of the BRoCA lab’s research studies to your current SLP/Lab Manager, Polly Stokes. You indicate that Polly Stokes performs the daily administrative tasks, such as training and managing personnel, and assisting her with preparation materials for her presentations, manuscripts, and IRB e-protocol; and that she is also still heavily involved in recruitment, scheduling, testing, data management, data analysis, and preparation of tables and graphs for the dissemination of the grant results. Further you indicate that Ms. Stokes is maintaining relationships with the local area stroke survivors and rehabilitation specialists to ensure the continued ability to recruit large numbers of aphasic stroke survivors in future externally funded research. You indicate that you are in the process of applying for new NIH

funding, and are anxious to keep the same team in place in order to continue the successful implementation of your clinical research. You further indicate that hiring a new person, and taking time to train and get the new person up to speed with the diversity of tasks and responsibilities, would sabotage Phase 2 of the current FRG study, which is enabling you to collect pilot data for the new R01 proposal.

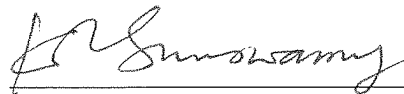
In the interest of avoiding an actual or apparent conflict of interest you note that Dr. Karen Helfer, Chair, Department of Communication Disorders, has agreed to be Ms. Stokes' supervisor of record.

Massachusetts General Laws, Chapter 268A, Section 6, in part, prohibits a state employee from employing immediate family members and from compensating them for services rendered except when I "make a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commonwealth may expect from [. . . you], in which case it shall not be a violation for [. . . you] to participate in the particular matter." (M.G.L., Chapter 268A, Section 6).

I determine that any personal interest you may have in this appointment is not so substantial as to be deemed likely to affect the integrity of your services to the Commonwealth and the Department of Communication Disorders. Further, by this letter I delegate supervision of Polly Stokes for purposes of pay determination and performance evaluation to Dr. Karen Helfer, Professor and Department Chair. This determination will allow you to utilize the services of your spouse through March 21, 2021.

The statute requires you to advise the Ethics Commission of the nature and circumstances of the particular matter and make full disclosure of that financial interest. As directed by statute, I am sending a copy of this written determination letter along with your memorandum and disclosure form to the State Ethics Commission for filing.

Sincerely,



Kumble R. Subbaswamy
Chancellor

Enclosures

cc: John McCarthy, Provost
Karen Helfer, Chair, Communication Disorders
Allison B. Lepper, Associate Counsel