



Judge and jury disagree in Harvard case

A biomathematician who was awarded a jury verdict of gender discrimination against Harvard University has had her case overturned by a judge. The jury agreed that Tamara Awerbuch-Friedlander was not given tenure by Harvard because she is a woman. However, Superior Court Judge Diane Kottmyer overruled the finding, which involves specific charges against University provost Harvey Fineberg, on grounds of insufficient evidence and that the statute of limitations for bringing suit had expired.

The case began in 1989. Awerbuch-Friedlander, then a lecturer in the department of biostatistics, had won a prestigious First Investigator award from the National Institutes of Health, which was renewed. She says she was encour-

aged to believe she would be promoted based on her accomplishments, but Fineberg, then Dean of the School of Public Health, overruled an internal committee's recommendation that Awerbuch-Friedlander be promoted to assistant professor. Fineberg resigned as provost this March.

Awerbuch-Friedlander also claimed that Harvard's refusal to give her more than a year-to-year contract hurt her ability to obtain grants in her field of research—mathematical modeling of the spread of infectious diseases. In 1997, after failing to convince an independent discrimination committee that she had been wronged, she filed suit seeking benefits totaling more than \$700,000. She refused Harvard's offer of an out-of-court settlement and is presently an un-

paid lecturer in the Department of Population and Human Ecology.

Joe Wrinn, spokesman for Harvard, says the result establishes that Harvard was innocent of gender discrimination. However, Richard Levins, John Rock professor of Population Science, who collaborates and shares an office with Awerbuch-Friedlander says, "Sex discrimination is alive and well at Harvard." He supports his assertion with statistics that women comprise 40% of Harvard's assistant professors, 18% of its associate professors and 11% of its full professors.

Awerbuch-Friedlander plans to appeal for reinstatement of the jury's verdict. Although Harvard officials will not say if she will be allowed to retain her office space, there is a presumption that removing her from campus could seem like an act of retribution.

Tom Hollon, Bethesda

US debates extended informed consent

Officials in the US are to design a new national policy on who beyond primary research subjects—such as family members and others—has the right to informed consent in studies funded by the National Institutes of Health. It is a complicated issue with strong arguments on both sides.

Some argue that disclosure of information about a person linked to the primary research subject requires that person's permission. Others think that such broad-ranging informed consent would be cumbersome, costly and possibly counterproductive as primary subjects may be reluctant to volunteer if they think family members are going to be told of their treatment. "This is really a Solomon-esque type of problem," says Abbey Meyers, a member of a federal advisory committee that will be taking up the debate and drafting recommendations for Office for Human Research Protections (OHRP). She says, "Family members need to know if information about them is to be used. But if you ban such information without informed consent, research could come to a grinding halt."

The controversy began in 1998 after a Defense Department financial manager in Virginia opened an envelope addressed to his daughter, who was away at college. The daughter, a twin, was asked by a Virginia Commonwealth University scientist to participate in a twin's health database. The questionnaire referred not only to the daughter but also to other family members. She was asked, for example, whether her father had ever suffered from depression or had abnormal genitalia. He complained to federal regu-

lators who temporarily shut down the research.

Inadvertent disclosure of private information could cause serious harm. "For example, in a marriage, a man may disclose to his wife that he has HIV. The wife enrolls in a research study and is asked: Does your husband have any health problems?" says OHRP director, Greg Koski. "Does she have the right to disclose that he has HIV without

the permission of her husband?" Koski asks.

"This is a new generation of privacy issues—uncharted territory," says Mary Faith Marshall, director of the bioethics program at the University of Kansas Medical Center, who chairs the panel debating the issue. Most experts do not expect the panel to recommend a stringent application of the law. Rather, they predict that IRBs must consider research on a case-by-case basis.

Marlene Cimon, Washington, DC

US postdocs in line for benefits

In response to two reports by the United States National Academy of Sciences (NAS) last year, the National Institutes of Health (NIH) has drawn up guidelines that will markedly improve the lot of its postdoctoral scientists.

Proposals to increase pay by 10–12% have drawn the loudest applause. According to Walter Schaffer, research training officer at the NIH, among institute directors, "There's strong support for the stipend increase." Schaffer estimates that the rise will require a \$100–200 million increase in the NIH budget.

The guidelines also establish time limits for graduate students and postdocs, and recommend that postdocs be moved to permanent staff positions after five years of training. Restructuring labs to include permanent research associates would alter the culture of US biomedical research substantially, but it remains unclear whether this change will be implemented widely.

"Most people who are doing longer postdocs feel that they're in a holding pattern ... and there simply are not enough [permanent] positions for the people that are being trained," says Audrey Ettinger, co-chair of the Stanford University Postdoc Association. With a US population of postdocs that has more than doubled in the past 10 years to about 52,000, Ettinger had hoped that the NIH would move to reduce the number of new PhDs being produced. She adds, "I'm a little bit disappointed that they feel they're not in a position to control graduate enrollment—I think that's passing the buck onto universities."

Another proposal is to monitor postdocs more closely. Maxine Singer, president of the Carnegie Institute of Washington and chair of the NAS committee that prepared one of the reports, says that data collection will facilitate further analysis of the research job market, and may also help illuminate a disturbing discovery that her committee made: based on data from the National Science Foundation, the NAS determined that female postdocs consistently receive lower pay than male postdocs.

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