

## New rules for lazy professors

A proposal to alter disciplinary regulations at universities so that professors can be fired has sparked a fierce debate in Germany. Abolishing the privileges that academic professors enjoy as civil servants is the only way to counter stagnation, insists Klaus Landfried, head of the assembly of University directors (Hochschulrektorenkonferenz).

Landfried's public comments have drawn an angry response from Hartmut Schiedermaier, president of the Hochschulverband, an organization akin to a trade union for professors.

Tenureship carries with it such strong terms of employment in Germany that it is virtually impossible to be removed from office. The most striking example of this was the case of oncologists Friedrich Herrmann and Marion Brach, who were found guilty in 1997 of faking data in 47 research papers. Herrmann sued his employer, the state of Baden-Württemberg, for compensation before finally quitting Ulm University last fall "of his own free will." Brach was reportedly close to receiving DM100,000 (\$US55,000) compensation for vacating her position at Lübeck University, until state governor Heide Simonis intervened.

Another case is that of Volker Storch, head of the Institute of Zoology at Heidelberg University. Storch has announced that he wants to dismiss marine biologist Hajo Schmidt, charging that "[Schmidt] has evaded any kind of work for twenty years." Schmidt's last scientific publication dates from the early 1980s and he has trained only one PhD candidate during this time, says Storch. Professors don't even have an obligation to be available at their workplace," says Storch, who runs a popular teaching course at Heidelberg University and is the author of numerous textbooks and research papers.

It is this type of behavior that Landfried aims to punish by introducing new legislation. In the meantime, the state government of Nordrhein-Westfalen has also tightened up on the loosely defined teaching obligations of its employees. Effective the end of this year, professors will be obliged to teach a minimum of three courses per week and be available for consultations four days per week.

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## British insurers continue with genetic tests

As part of the revisions to its 1997 mandatory code of practice, Britain's insurance industry has promised to refund any extra premiums incurred by individuals seeking insurance since November 1st 1998 on the basis of genetic tests, if such tests are found to be invalid for insurance purposes by the government's Genetics and Insurance Committee (GAIC) in a forthcoming report.

The decision to accept GAIC's conclusions retroactively was revealed on August 8th by the Association of British Insurers (ABI). However, this clause has landed the industry in the uncomfortable position of having to deny that it has backed down on an informal agreement with the British government not to use genetic tests for calculating insurance claims until the GAIC report is published. The ABI insists that no such moratorium was ever agreed.

The revised code of practice was widely seen as a bid to pre-empt strong government regulation—and in particular, a threatened moratorium on all uses of genetic information in issuing life insurance policies, as had been recommended by the Human Genetics Advisory Commission.

However, the ABI's head of life insurance, Richard Hobbs, sparked the new

controversy in July when he told a meeting at the Royal Society in London that the industry was continuing to ask insurance applicants to reveal the results of tests taken voluntarily, while awaiting the GAIC's conclusions.

At present, there are seven potentially hereditary conditions, ranging from Huntingdon's disease to breast cancer, about which insurance companies can ask questions, although the industry points out that in cases such as breast cancer, for example, the results of genetic tests are only likely to be considered if there is already a strong family history. The GAIC will meet at the end of this month to examine the criteria of genetic testing and the relevance to insurability.

David Sainsbury, Britain's science minister, has confirmed that the government remains opposed to the industry's decision to proceed with this practice until, especially when there had been a widespread understanding that industry would refrain from doing so. But Vic Rance, a spokesman for the ABI, says that although insurance companies had agreed to adopt the GAIC's eventual conclusions, there had been no agreement on a moratorium on genetic tests in the meantime.

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## NBAC issues biosamples report

While it agonizes over releasing its recommendations on the use of federal money for human embryonic stem cell research—a report that is certain to spark fury from one side or the other irrespective of the conclusion—the US National Bioethics Advisory Commission (NBAC) has published an innocuous report on the ethical use and storage of human biological materials.

The 100-page document explains the current US system of human subject protections, which "focuses on a model of protection from physical harm," and concludes that existing federal human subject regulations can be extended to cover human biological materials as well. "This document shows how research involving genetic techniques and other biomedical and epidemiological investigations raise equally profound concerns about protection of human subjects," NBAC executive director Eric Meslin told *Nature Medicine*.

The report advises that if an investiga-

tor accesses a patient's medical records, this should be classed as human subject research also. The NBAC panel urged institutional review boards to adopt new policies to govern this type of research, suggesting that informed consent should be obtained for use of human biological materials, whether it will be used at time of collection, or in the future.

Perhaps the most interesting aspect of the document is the recommendation that medical results should only be disclosed to patients when the findings are valid and confirmed, when they have significant health implications, and there is a course of ameliorative or restorative treatment. In practice this could mean that certain genetic information may be withheld from individuals. The report is not binding, but may be used by the Clinton Administration or Congress as a template for improving federal protections. It is available at <http://bioethics.gov/pubs.html>

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