

## LABOR RELATIONS

# Stanford Researcher Fights Dismissal in Hospital Spat

Once upon a time, tenure meant protection from academic witch-hunts. Today, however, to universities it can also be seen as an impediment to staying afloat in perilous financial times. The setting for the latest tenure battle is Stanford University, where schizophrenia researcher Adolf Pfefferbaum is fighting efforts by the university to oust him after he quit his post at a university-affiliated hospital. It's a clash between old customs and new economic exigencies, and the outcome could affect how the university adjusts to the changing health care system.

A tenured professor well known for his imaging work with schizophrenics, Pfefferbaum spent 20 years at the Palo Alto Veterans Administration (VA) hospital, which pays some \$10 million a year in salaries to Stanford doctors. Last year, citing "intolerable" working conditions, Pfefferbaum quit his VA post. When Stanford told him that meant he was also out of the university, Pfefferbaum sued, winning a hearing before the university's highest decision-making body, the faculty Advisory Board. A decision is not expected before the end of the year. "This is heavy lawyer country we're in," says the chair of the Advisory Board, Stanford statistician Bradley Efron.

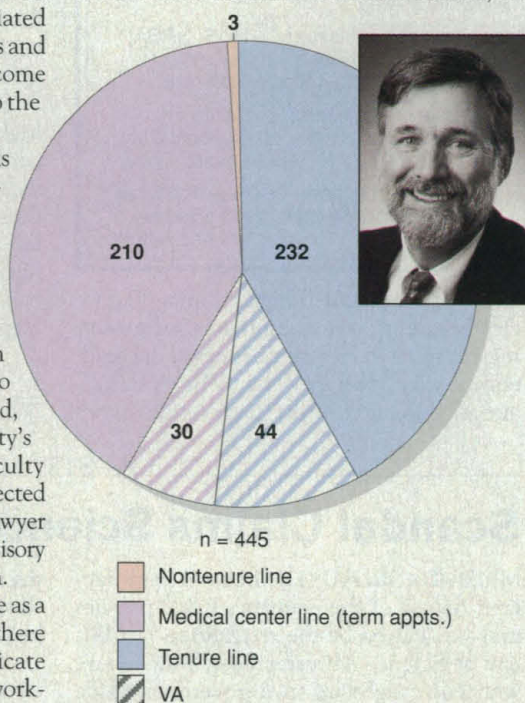
Ironically, both sides present the issue as a simple one. Pfefferbaum asserts that there was "not a word" in his contract to indicate his Stanford status was contingent on working at the VA. "My salary was set and guaranteed by Stanford. I was appointed professor at Stanford," he says, adding that his "NIH [National Institutes of Health] grants all come through the university."

In contrast, university officials say the school is simply asserting its rights as an employer. Although medical school officials won't comment on the case, they point to an article published last winter in the school newspaper. There, Richard Popp, senior associate dean for academic affairs, explains that the question is "whether a tenured faculty member can leave the position for which he or she was hired and require the university to find him or her another position. [Pfefferbaum] was hired for the VA, and his funding, the school's programmatic need, and his billet are all at the VA."

Advisory Board chair Efron thinks the matter is more complicated—so much so that last month a hearing officer was appointed to sort out the facts. Pfefferbaum may be a tenured professor, Efron notes, but if the medical school took him on, "who would pay his salary? At

the VA they would back him up whether or not he had grants. At the medical school Stanford would have to [support] him."

Some facts are not in dispute. For 10 years Pfefferbaum headed the Stanford/VA Mental Health Clinical Research Center. Supported primarily by \$1 million a year from the National Institute of Mental Health, he



**Untenable position?** Pfefferbaum holds one of 445 clinical faculty positions at Stanford's affiliated medical facilities.

used imaging and electrophysiology to study schizophrenia and alcoholism. He holds one of 74 Stanford faculty positions at the VA, according to the medical school, of which 44 are tenured or on a tenure track. Other doctors have term appointments that assign them to the VA.

In 1994, Pfefferbaum says he and two colleagues complained to David Korn, then dean of the medical school, that the hospital chief of staff, anesthesiologist Richard Mazze, was "destroying the academic program" through arbitrary and unfair personnel decisions. Pfefferbaum says Mazze retaliated by stripping all three of their administrative posts. (He was then deputy chief of staff and assistant dean for veterans' affairs.) Mazze also reduced his research resources and generally "made life as difficult as possible for me," says Pfefferbaum. Mazze, who is no longer chief of staff, could

not be reached for comment.

By spring of 1996, Pfefferbaum says things became "intolerable." He resigned his VA position but said he was willing to continue working there as a faculty member. Stanford officials told him that meant he was resigning as a Stanford professor and, when he disagreed, they sacked him. Pfefferbaum sued, and in February the Superior Court in Santa Clara County ordered him reinstated pending a formal hearing before the Advisory Board. In May, Stanford President Gerhard Casper formally charged that Pfefferbaum, by resigning his VA post, wasn't doing his job, and called for his termination.

Some of Pfefferbaum's colleagues say he's getting a raw deal. Psychiatrist Henri Begleiter of the State University of New York's Health Sciences Center in Brooklyn calls Pfefferbaum an "absolutely first-rate" investigator and says Stanford is trying to perpetrate a "terrible injustice." Psychiatrist Robert Freedman of the University of Colorado, who works at the Denver VA hospital, says Stanford appears to be violating the traditional understanding that "faculty at VA hospitals have the same relationship to the university as faculty anywhere in the university."

Ultimately, "this is all about money," says Pfefferbaum, who since last November has been director of neuropsychiatry at SRI International in nearby Menlo Park. As managed care is turning hospitals from cash cows into albatrosses, say Pfefferbaum and his lawyer, former California Congressman Pete McCloskey, Stanford is trying to loosen its hospital ties, and it wants to avoid setting a costly precedent. "If doctors leave the VA and assert their tenure rights," says Pfefferbaum, Stanford doesn't want to have to pay their salaries. Begleiter agrees that, if Stanford prevails in this case, "there's no reason they can't revoke tenure from a multitude of medical faculties."

Pfefferbaum also sees a danger for faculty at Stanford's own hospital, which is being combined with the hospital of the University of California, San Francisco, and made into a separate entity. Pfefferbaum contends that the university is hoping to set a precedent with his case and that, if successful, it will claim that it "has no control over or responsibility for what happens to faculty or doctors [under the new arrangement]." Stanford medical spokesperson Laurel Joyce says the school is not trying to change its relationship to doctors and notes that they will retain their status as medical school employees and will continue to be paid by Stanford after the merger.

As the Advisory Board slogs through the affair, Pfefferbaum is keeping the pot boiling. In late August he sued the university for "fraud and theft of intellectual property" based on his dismissal as principal investigator at the clinical research center.

—Constance Holden