

# Gender Discrimination Lawsuit at Salk Institute

03.13.18 | Linda J. Rosenthal, JD



Recognized around the world as a leading scientific research center, with Nobel laureates making “[groundbreaking, fundamental discoveries](#),” the [Salk Institute for Biological Studies](#) was founded in the 1960s by the revered developer of the polio vaccine, Dr. Jonas Salk. These distinguished researchers do their important work in a “modern architectural treasure” on a hilltop in the scenic seaside town of La Jolla, California, in San Diego County.

But under the surface of this bucolic setting, there have been [long-simmering tensions](#) that exploded during the summer of 2017. Two of the three female full professors filed lawsuits alleging an institutionalized pattern and practice of gender discrimination. Soon after, the third professor filed her own complaint in San Diego Superior Court.

The official Salk Institute reaction was a classic case of *How Not to Respond to a Gender-Based Discrimination Claim 101*. Perhaps if the lawsuits had been initiated later, in the fall of 2017, the powers-that-be might have learned a thing or two from the #MeToo movement.

## *Lawsuit Plaintiffs and Allegations*

“A [nasty feud has erupted](#) at the normally genteel [Salk Institute](#) in [La Jolla](#) over whether the elite science center discriminates against its female professors in funding, promotions and leadership opportunities.” That’s how the San Diego Union-Tribune writers described the situation, including ongoing fallout six months after the allegations were first aired.

“[\[A\]claimed and veteran Salk biologists](#) Vicki Lundblad and Katherine Jones separately filed lawsuits naming some fifty defendants in the relatively small research center. They assert that the Institute “systematically discriminates against women in pay, promotions, and access to grants and potential donors.” They describe it as an “old boys’ club” that “devalues female scientists.” They name names with specific allegations against “numerous senior male faculty members.”

Dr. Beverly Emerson, a prominent biochemist who studies how genes contribute to disease and has been with Salk since 1986, filed her own lawsuit about a week or so later – after the Institute’s harsh statement denying the claims and denigrating the work of these two distinguished scientists. Professor Emerson’s claims echoed the allegations of Drs. Lundblad and Jones that Salk is an “antiquated boys’ club” that has been “systematically undermining and marginalizing its three female full professors.” Administrators and the board, she claims, have known about this problem, but have “done absolutely nothing to stop it or right the wrongs....”

### *The Institute Strikes Back*

The official response by the Salk Institute came swiftly – and somewhat predictably. While denying that “Dr. Jones or Dr. Lundblad have suffered any harm or adverse employment action based on their gender” – the Institute then asserted that these two full professors “have consistently trailed their peers in producing high-quality work and attracting grants.” It also released some dubious data purporting to back up this defense.

News articles helped their readers understand that “it’s rare for such criticism, warranted or not, to be made publicly in science – a field where people are highly sensitive about their reputations.”

Particularly problematic is that the official statement was approved and endorsed by Dr. Elizabeth Blackburn, a Nobel laureate who had been appointed as president of the Institute in 2016. In a separate statement, President Blackburn appeared to double-down on the assertion that: the Institute is blameless, the lawsuits make misrepresentations, other current female professors at Salk disagreed, and that she would never “preside over an organization that in any way condones, openly or otherwise, the marginalizing of female scientists.”

Shortly afterward, Dr. Blackburn tried to dampen down criticism against her stand. She sent an email to all staff to “address directly and correct any unintended impressions from prior statements related to litigation. Salk great values the contributions of Professors Emerson, Jones, and Lundblad to the scientific community and to the Institute.”

### *Lawsuit Fallout Continues*

This dispute, of course, spilled out into the research community at large. Science Magazine leaked some internal Salk studies and reports that appear to show long-standing gender-based discrimination there.

Dr. Carol Greider of Johns Hopkins University, also a Nobel laureate, specifically praised one of the plaintiff-professors, whom she had known for many years. She also skewered the Salk Institute’s knee-jerk response to deny all claims and pile on the plaintiffs as disgruntled underperformers. “The high road,” she said, “is to acknowledge that the problem exists everywhere, which all of us know, and that they want to work towards resolving it.”

Professor Jo Handelsman, a microbiologist at the University of Wisconsin-Madison, spoke out also, having done “extensive research” on under-representation of women in the sciences. “The issue ... is more complicated than overt gender bias...Gender discrimination is often “unintentional”; an “unconscious bias. It’s not a cognitive process.”

Ted Waitt, chairman of the board of trustees, “unexpectedly announced” his retirement. Similarly, President Elizabeth Blackburn also disclosed that she will retire as president late this summer; the “lawsuits apparently factored in her decision.”

Dr. Inder Verma, a distinguished cancer expert who had been specifically called out in the allegations of these lawsuits, announced recently that he had been “ousted as editor of one of the world’s top science journals” because of his implication in these problems.

There is concern whether the allegations will dampen the ability of the Salk Institute to recruit top scientists in the future.

### *Conclusion*

Of course, the discrimination allegations in this lawsuit involving top scientists at a renowned research center are deeper and more nuanced than, perhaps, a more straightforward claim about the gender gap in pay that could – and does – happen all too frequently in the nonprofit sector generally. But these claims demonstrate that nonprofits and their boards must be alert to these problems that can arise even behind a facade where women appear to be thriving.

According to the National Council of Nonprofits, the “gender pay gap is a sleeper threat to nonprofit effectiveness and sustainability.”

The Nonprofit Quarterly echoes these warnings and concerns: “This is not fair. Nor sustainable. Nor legal. What is your nonprofit doing about the gender pay gap?”

— *Linda J. Rosenthal, J.D., FPLG Information & Research Director*