

through a university official of an easier approach: a freedom-of-information request for records generated by employees of MCG, a state school. Reynolds' lawyers promptly filed a request, and MCG legal counsel Clayton Steadman sent Fischer a memo declaring that the data "are the property of MCG" and gave Fischer 48 hours to deliver his files to MCG's legal office for inspection by an agent of R.J. Reynolds. Instead, Fischer took the data to court and sued MCG to prevent their release.

In support of Fischer, Paul Walter, chairman of the American Chemical Society's board of directors and former president of the American Association of University Professors, wrote that releasing the records would have "a serious adverse impact on the future conduct of socially beneficial scholarly work." In addition, Thomas Puglisi, an official in the Office for Protection from Research Risks at the National Institutes of Health, wrote to MCG advocating that it adopt stronger "confidentiality protections."

MCG has agreed from the outset that the children's names and addresses should be kept confidential, but it is still negotiating with R.J. Reynolds and Fischer on the disposition of other material. MCG's Steadman says that "Dr. Fischer thought [R.J. Reynolds] was going to attempt to discredit him," but Steadman notes that this is not a basis for withholding data. Steadman adds that "we're still talking about a settlement" with Fischer. Meanwhile, according to Steadman, the university lobbied successfully for a change in state law so that it now forbids release of research data until the author has published some results. This doesn't help Fischer, whose study was published 2 years ago. Unhappy with MCG's handling of the case, Fischer calls the whole episode "ugly" and "ridiculous."

That reaction is common among scientists who have been forced into the legal mill and compelled to surrender data. Worst of all, says Picou, is having to negotiate with people who don't seem to understand—or care about—the substance of your scientific efforts. He estimates that his own battle has delayed his research for nearly a year.

Picou concedes that the ruling in his case "worked out pretty well" in protecting his subjects' confidentiality and his unpublished research. But, still feeling scarred, he vows that he "will never collect data in a technological disaster again" without first getting a commitment from the litigants to shield him from the legal battle. Picou wishes he could persuade everyone involved to step out of the courtroom and resolve their differences in a scientific manner, but, given the nature of the U.S. legal system, such a reasonable outcome seems unlikely.

—Eliot Marshall

SEX DISCRIMINATION

Jenny Harrison Finally Gets Tenure in Math at Berkeley

Last week, in the final chapter of a highly publicized sex discrimination case, mathematician Jenny Harrison was appointed a full professor with tenure in the mathematics department at the University of California, Berkeley, the same department that denied her tenure in 1986. The appointment, effective 1 July, follows the unanimous recommendation of an independent tenure review committee that was set up as part of an out-of-court settlement of Harrison's discrimination suit against Berkeley. The suit was filed 4 years ago, and it has become a *cause célèbre* for women fighting sex discrimination in academics. The decision makes Harrison one of only a handful of tenured women at the top mathematics departments in the United States. (In a *Science* survey of 10 such departments during the 1991-1992 academic year, only five of 288 tenured positions were held by women [*Science*, 17 July 1992, p. 323].)

Harrison says she is particularly pleased on behalf of other women. "This victory will encourage other women to aim higher," she says. Harrison also received an undisclosed amount of money, including payment of lawyers' fees, as part of the settlement. Morris Hirsch, a former chair of the Berkeley mathematics department and longtime supporter of Harrison, says, "Harrison is a terrific mathematician. [She] should have received tenure in 1986.... We're very lucky to get her now."

Most of Hirsch's colleagues in the math department didn't share that opinion in 1986, when they voted to deny Harrison tenure 19-12 with seven abstentions. It was the first time in 15 years that anyone had come up for a tenure vote in the Berkeley math department and been voted down. At the time, there were approximately 70 tenured men in the department and one tenured woman, and Harrison charged that the denial had more to do with her gender than her work. She said she had published as many papers as three of the eight men who had received tenure during her stint at Berkeley, and that her two important discoveries—mathematicians call them "major results"—at least equalled the number of major results claimed by half of the men who received tenure (*Science*, 28 June 1991, p. 1781.). Three years later, Harrison left the university, and after spending a year teaching at Yale has been unemployed since, working

independently on mathematics at home.

She was also pursuing her suit, which she had filed in 1989. On 7 March of this year the university and Harrison agreed that a review of Harrison's work would be conducted by an independent group of academics to determine whether she should be given tenure. The panel, whose makeup was confidential, was assigned to examine her present qualifications—and not rehash the 1986 decision.

Science has learned that the committee consisted of seven members, five of whom were mathematicians (three from universities other than Berkeley). The grounds for the decision to recommend tenure are confidential, but it's likely that when Harrison got her third major result last year—extending calculus to fractals—she became a very tough candidate to turn down. Indeed, the committee's recommendation for full professorship, leapfrogging Harrison over associate professor rank, indicates high regard for her work. At the same time, the new fractal work allowed the university to save face by implying that Harrison's qualifications had improved since her original application—and that the 1986 decision may have been proper. "It's a win-win resolution," says provost Carolyn Christ. "We're all very happy that she was qualified in 1993."

That happiness is indeed shared by some of Harrison's colleagues, such as Hirsch, but her court battle has alienated others. "It will take a lot of healing on the part of a lot of people," says Alberto Grunbaum, who was department chairman during much of the negotiations for the settlement. And some department members don't seem to have healing in mind. "I feel the department was really wronged," says Rob Kirby, who maintains the department made the right decision in 1986 and has been unfairly damaged by the adverse publicity.

But Harrison isn't dwelling on the past. She's already on a Berkeley committee aimed at increasing the number of women and minorities in math and science. While she seems to have made her point at Berkeley, it remains to be seen what lessons other top math departments draw from her case.

—Paul Selvin



A major result. Mathematician Jenny Harrison settles her case.

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