

# A suit with appeal

*Despite verdict, a former Nordstrom employee maintains she was discriminated against because she is a lesbian*

by Inga Sorensen

It's a pretty safe bet that you won't find Janice Grounds shopping at Nordstrom. "This whole experience has been a nightmare. I was told that it was going to be rough, but I never expected this," says Grounds, 39, a former Nordstrom employee who worked for the corporation for nearly a decade before quitting in 1993.

Grounds, who now owns a coffee shop in Tigard, says she left Nordstrom after she was denied 26 promotions. Grounds believes she smashed up against a glass ceiling because she is a lesbian. Grounds subsequently sued Nordstrom, but on March 15 in Seattle, a King County Superior Court jury voted 11-1 that she failed to prove Nordstrom discriminated against her due to her sexual orientation. Grounds and her Seattle attorney, Shelley Kostrinsky, plan to appeal the decision.

It's been a month since the verdict, and a worn-and-weary Grounds adamantly stands by her claim that she was passed over for a promotion more than two dozen times because she is a lesbian.

"I feel beaten up by the whole experience. People that I thought would support me, didn't," says Grounds. "I think people are afraid. Nordstrom has a real hold on its employees—even former employees. That's the kind of culture it is."

During the nearly two-week trial, a former Nordstrom executive testified that during the 1980s Nordstrom President John Nordstrom told Executive Vice President Jack Irving that he did not want gay men working in the men's department.

Michael Dench, formerly a merchandise manager for Nordstrom's Rack division, testified that he acted under superiors' orders to discriminate against gay men in hiring in Washington, Oregon and Northern California. Dench reportedly said that employees and prospective employees suspected of being gay were screened out based on how they were dressed.

Dench, who was terminated by the company in the early 1990s, had been with Nordstrom for two decades.

During court proceedings, he said that Irving told him that John Nordstrom did not want gay men working in the men's department. Dench maintains Irving made those comments many times in the mid- to late-1980s.

In his deposition, Dench reportedly said that managers did not actually ask prospective employees if they were gay, but instead conducted a "visual review" to distinguish whether a person "would fit into the Nordstrom mold."

"We have no idea why Mr. Dench would say what he did," says Nordstrom spokeswoman Paula Stanley, adding that the company established an anti-discrimination policy in 1987 that explicitly includes sexual orientation.

Additionally, she says Nordstrom employees undergo sensitivity and diversity trainings that address sexual orientation issues.

"We deny that there is any truth behind Mr. Dench's comments," Stanley says. "With respect to Ms. Grounds' case, the jury agreed with our contention that we did not discriminate. I hope people look at the jury's verdict."

"For some reason the jury wasn't able to make the mental jump that the policy regarding gay men could also apply to gay women," Grounds says. "It makes perfect sense to me, but they didn't seem to get it."

According to Grounds, 17 of her 26 promotion denials directly involved Dench.

"In those cases he was making the decisions about who was getting promoted," she says.

Grounds and her attorney claimed in a trial brief that Dench "admitted to holding the belief that homosexuality was wrong."

Though Dench made comments that could be viewed as damaging to Nordstrom, he and other Nordstrom supervisors testified they did not know that Grounds was a lesbian.

That assertion, says Grounds, is absurd. "Given the climate that Michael Dench was trained under, there is no doubt in my mind—I am absolutely certain—that I was denied promotions because of my sexuality," she says. "I was out to co-workers. They knew I was a lesbian. I didn't wear an ACT UP shirt to work or anything like that, but my [sexual orientation] was not hidden."

Grounds also says that during her nine years with Nordstrom she saw co-workers mistreat lesbian and gay customers. "They would snicker and make comments if a lesbian couple shared a fitting room or a guy bought a dress. Gay customers were not treated well," she says.

But Stanley says Nordstrom values "every community, including the gay and lesbian community." In her lawsuit, Grounds sought \$500,000 for lost wages and emotional suffering. Kostrinsky unsuccessfully argued that Nordstrom violated the Seattle Fair Employment Practices Ordinance, which prohibits discrimination based on sexual orientation. Nordstrom attorney Suzanne Michael described the lawsuit as a "pile of manure," and the company maintained Grounds was not worthy of a promotion due to her work performance.

"My evaluations were always excellent. Every time I was passed over for a promotion I would ask: 'Tell me what I should be doing better,'" says Grounds. "I was always told: 'You're doing a great job. Everything's fine. Maybe it just wasn't your time.' That kind of stuff. After about the 10th time you begin to wonder."

Grounds says that in April 1993, when a less-qualified woman was promoted to an assistant buyer post—a position that she was also seeking—it was "the final straw." She quit and moved to Oregon, where she opened Grounds Coffee World Inc. in Tigard.

"My last name is Grounds, so I thought, 'What else am I going to do?'" she says, half-kiddingly. "When it comes to retail in the Pacific Northwest, Nordstrom is really the only game in town. Once you're out, that's pretty much it."

Concerns generated by Grounds' charges of discrimination led to a recent meeting between Carol Sterling, executive director of Seattle's Privacy Fund, and Nordstrom officials.

Sterling describes the dialogue as "cordial," while Stanley says "it was an opportunity to share information about our policies."

She adds, "I don't think it went beyond that."

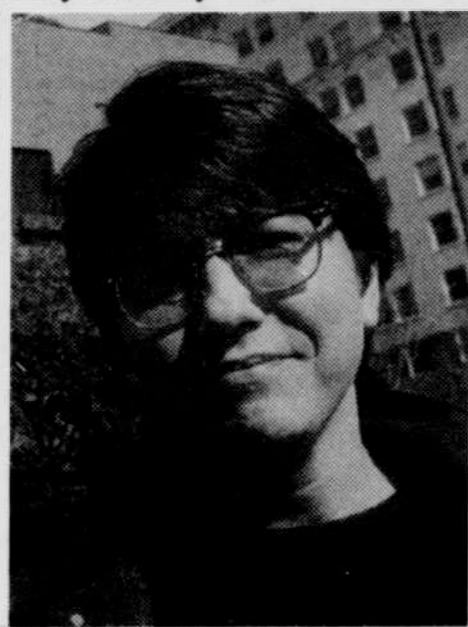


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