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## Distinctions Between Sexes at Clubs

Golf clubs' gender distinctions regarding tee time sign up, tournaments and facilities use are increasingly vulnerable to legal challenge. In March 2013, four female members of Spokane Country Club won a lawsuit challenging gender distinctions in golf schedules, traditions, tournament participation, allocation of tee times, and designation of men's and women's facilities, among other things, under the [Washington State antidiscrimination law](#)

The first step in any gender discrimination lawsuit is to determine if the club is a private social club, which is exempt from coverage under the Act. The determination of private social club status has been based on (i) selectivity in admissions, (ii) number of members, (iii) degree of membership control over governance and admissions, (iv) non-member use of facilities, and (v) the extent to which a club's purpose is business. Most clubs are not private social clubs under such factors and are therefore subject to the Act.

Initially, gender discrimination laws were used to challenge male only membership. (See *Warfield vs. Peninsula Golf & Country Club* (California 1995)). They were then applied to clubs with male and female membership, but whose policies made it difficult for women to get full membership or desirable tee times or excluded women from a men's grill. (See *Borne vs. Haverhill Golf & Country Club* (Massachusetts 2003)).

The trial court in the most recent Spokane Country Club lawsuit, like the Haverhill court, disapproved of men's tee times and men's only facilities, but also disapproved of men's and women's tournaments. The

court did state that a club could make distinctions as necessary to provide privacy, such as locker rooms, bathrooms, etc.

Clubs (other than small, exclusive member governed clubs) that distinguish among members based on gender in establishing policies and programs are at risk of a lawsuit.

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