



August 2013

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.

Author

This GT Alert was prepared by:

- [Glenn A. Gerena](#) | +1 954.768.8223 | gerenag@gtlaw.com

Albany. Amsterdam. Atlanta. Austin. Boston. Charlotte. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Germany.[~] Houston. Las Vegas. London.* Long Island. Los Angeles. Mexico City.+ Miami. Milan.» Minneapolis. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Portland. Sacramento. Salt Lake City. San Francisco. Seoul.∞ Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv.^ Tokyo.* Warsaw.- Washington, D.C.. West Palm Beach. Westchester County.

*This Greenberg Traurig Alert is issued for informational purposes only and is not intended to be construed or used as general legal advice nor as a solicitation of any type. Please contact the author(s) or your Greenberg Traurig contact if you have questions regarding the currency of this information. The hiring of a lawyer is an important decision. Before you decide, ask for written information about the lawyer's legal qualifications and experience. Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. ~Greenberg Traurig's Berlin office is operated by Greenberg Traurig Germany, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. *Operates as a separate UK registered legal entity. +Greenberg Traurig's Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. »Greenberg Traurig's Milan office is operated by Greenberg Traurig Santa Maria, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ∞Operates as Greenberg Traurig LLP Foreign Legal Consultant Office. ^Greenberg Traurig's Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA. ¶Greenberg Traurig's Tokyo Office is operated by GT Tokyo Horitsu Jimusho and Greenberg Traurig Gaikokuhojijimubengoshi Jimusho, affiliates of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ~Greenberg Traurig's Warsaw office is operated by GREENBERG TRAUIG Nowakowska-Zimoch Wysokiński sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in GREENBERG TRAUIG Nowakowska-Zimoch Wysokiński sp.k. are also shareholders in Greenberg Traurig, P.A. Images in this advertisement do not depict Greenberg Traurig attorneys, clients, staff or facilities. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. ©2023 Greenberg Traurig, LLP. All rights reserved.*