

PRIVATE CLUBS MUST MANAGE MEMBER HARASSMENT RISKS: 5 TIPS FOR PROTECTING YOUR WORKFORCE IN A MEMBER-FIRST CULTURE

Insights
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Private Clubs Must Manage Member Harassment Risks: 5 Tips for Protecting Your Workforce in a Member-First Culture

Private clubs expect their front-line staff to keep members happy – but when does that expectation cross the line and create workplace liability risks for your organization? Over the past year, multiple golf and country clubs have been hit with lawsuits from employees who claim that club members harassed them, and courts are closely examining whether clubs that tacitly tolerate misconduct to appease a member should be held liable for negligent retention and supervision. Like all employers, private clubs should take proactive steps to foster a healthy, safe, and welcoming work environment. Here's a guide to understanding these unique risks and five best practices to manage your club's exposure.

The Unique Risk Posture of Private Clubs

Employees shouldn't be expected to endure harassment or offensive conduct from members as a condition of continued employment. In a traditional office, HR departments can easily discipline or terminate an employee who harasses a colleague. But private clubs operate differently. The alleged harasser is often a dues-paying member, a tournament sponsor, or a founding family member.

Front-line employees frequently work in isolated areas, such as golf courses or locker rooms – and they rely on tips and

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member goodwill for their livelihood. This power imbalance can make them highly vulnerable to inappropriate comments, physical advances, or abusive conduct.

If your club ignores this dynamic, you invite legal trouble. Any time bullying or harassment relates to a protected characteristic, such as race, sex, or age, it can lead to a discrimination claim. Private clubs cannot afford to treat member harassment as a simple customer service issue.

5 Best Practices to Manage Member Harassment Risks

To protect your employees and your organization, clubs must establish clear rules and enforce them consistently. Here are five best practices you should consider implementing to shield your private club from liability:

1. Adopt a Member Conduct Policy

Your club likely has a strong employee handbook, but how do you regulate member behavior? You should have a written policy that explicitly extends harassment prohibitions to members, guests, and vendors.

The policy should clearly define prohibited conduct. Use specific examples that relate directly to the club environment, such as inappropriate comments to servers or aggressive behavior on the golf course. Make it clear that membership status does not insulate anyone from the consequences of their actions.

Include a graduated response protocol in your policy. This might start with a formal warning, escalate to suspended club privileges, and end with membership termination. The existence of this policy, along with proof that you actively enforce it, is often the deciding factor in defending against negligent supervision claims.

2. Train Front-Line Employees on Reporting

Beverage cart attendants, servers, locker room staff, and caddies face the most exposure to member contact, yet they are often the least likely to feel empowered to report misconduct. Consider removing the barriers that might keep them silent.

Conduct regular training to make it clear that reporting is both expected and protected. Your staff should know that

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your club will not tolerate retaliation against them for raising a concern.

The reporting channel should never run exclusively through a supervisor who is also evaluated on member satisfaction metrics. That structural conflict may suppress reporting. Instead, establish a direct pathway to human resources or provide an anonymous hotline. Give your employees a safe, unbiased way to ask for help.

3. Act Promptly When a Report Is Made

The most damaging fact pattern in harassment litigation is a documented complaint followed by inaction. If you minimize a complaint because the accused member is a large dues-payer, courts and juries may treat that as direct evidence of deliberate indifference.

When you receive a complaint, treat the investigation exactly as you would for an internal employee dispute. Promptly interview the reporting employee, any witnesses, and the accused member. Document every step of your investigation thoroughly.

Take proportionate interim protective measures while the matter is pending. This might mean reassigning a beverage cart attendant's route or duties so they do not interact with the accused member. It could also involve restricting the member's access to certain club areas until you conclude the investigation.

4. Review Employment and Member Agreements for Alignment

Many clubs have robust employment agreements that address internal workplace harassment. However, their member agreements – the documents signed upon joining – say absolutely nothing about behavioral expectations.

Closing this gap serves as both a powerful deterrent and a vital legal protection. Consider aligning these two documents by updating your member agreements to explicitly reference the club's code of conduct.

Ensure the member agreement reserves the club's right to discipline, suspend, or revoke membership for conduct that violates club policies. This alignment gives your club the contractual cover it needs to act swiftly without triggering complex membership dispute litigation.

5. Document Remedial Action and Follow Up

When your club takes corrective action against a member, document the process with extreme rigor. Keep detailed records of the initial complaint, the investigation steps, the factual findings, and the specific actions taken, and include notes on any monitoring measures you put in place to ensure the behavior does not repeat.

Once the investigation concludes, you should follow up with the reporting employee. Confirm that the inappropriate conduct has stopped and reinforce that you took their report seriously. This critical follow-up often distinguishes a defensible response from one that sparks a retaliation claim. Employees left in the dark frequently assume that no action was taken. That perception of inaction may drive an employee's decision to file a lawsuit.

Bridging the Gap Between Policy and Practice

Having policies on paper is only half the battle. Your club's posture should be internally consistent – from written rules to staff training to investigation protocols and the actual consequences – or you will risk creating legal liability and destroy workplace morale. If you promise a harassment-free environment but look the other way for a VIP member, plaintiffs' attorneys will use that gap to build their case.

Conclusion

Don't wait for a lawsuit to evaluate your risk posture – take proactive steps today to secure your club. If you have questions, please contact the authors of this Insight, your Fisher Phillips attorney, or any member of our [Non-Profit and Tax-Exempt Organizations](#) team. We will continue to monitor all developments related to non-profits and tax-exempt organizations, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to receive the most up-to-date information.