



# National Coalition For Men (NCFM)

Since 1977

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Re: Geek Girls Tech Conference

Dear Madams and Sir:

I am the President of the National Coalition For Men (NCFM). NCFM is a nonprofit educational organization that raises awareness about how sex discrimination adversely affects men and women. NCFM is the oldest and largest men and women's equal rights organization in the world. You can learn more about NCFM by visiting our website at [www.ncfm.org](http://www.ncfm.org).

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Imagine the uproar – and the sex discrimination lawsuits - if a local tech company held, Microsoft sponsored, GirlTECH San Diego endorsed, and the University of San Diego and the Joan Kroc Institute for Peace & Justice hosted a “Geek Boys Tech Conference” designed to provide “a supportive environment that encourages young men to become engaged in STEM and the field of computer science.” If that isn’t enough, imagine how long it would take for the first lawsuit to be filed if the marketing materials for the Geek Boys Tech Conference openly touted “Over 500 men coming together at each event...,” “80 Geek Boys across the country...,” “Meet other men in tech!,” and “The father of all conferences,” and the conference’s advertisements pictured only males.

Yet Geek Girl Corporation, Microsoft Corporation, GirlTECH San Diego, the University of San Diego, and the Joan Kroc Institute for Peace & Justice have no qualms about organizing, sponsoring, endorsing, or hosting a “Geek Girls Tech Conference” to provide “a supportive environment that encourages young women to become engaged in STEM and the field of computer science.” And the marketing materials for the Geek Girls Tech Conference only reference, picture, and target women with words like “Over 500 women coming together at each event...,” “80 Geek Girls across the country...,” “Meet other women in tech!,” and “The mother of all conferences.”

Sex discrimination, whether it harms women or men, can violate several California statutes, including the mother of all California statutes – the California Constitution. Any entity or person involved in the above Geek Boys Tech Conference would likely not escape liability by parenthetically, inconspicuously, and begrudgingly describing the event as the “largest Hands-On Tech Conference for Men (and Women) in the area!” Especially if all of the other marketing materials for the event, such as the title, text, and photos referred to or showed only males.

The same could be said of an event boldly called “Geek Caucasians Tech Conference,” with all of its marketing materials geared towards Whites except for throwing minorities a parenthetical bone by describing the event as the “largest Hands-On Tech Conference for Whites (and People of Color) in the area!” A one-time, parenthetical insertion saying Blacks and Latinos can also attend a Geek Caucasians Tech Conference would likely not allow those associated with such an event to defeat a race discrimination claim, especially if all of the other marketing materials deterred minorities from attending an event obviously designed to attract only Whites.

NCFM has played a lead role in several California landmark lawsuits and has worked closely with several State of California anti-discrimination agencies to ensure women and men are treated equally. Attorney and NCFM Secretary Al Rava represented the prevailing plaintiffs and NCFM members at the California Supreme Court in the Unruh Civil Rights Act case of *Angelucci v. Century Supper Club* (2007) 41 Cal.4th 160. *Angelucci* held that discrimination victims do not have to first assert their right to equal treatment to the offending business in order to have standing for an Unruh Act claim.

Attorney and NCFM Vice-President represented the prevailing plaintiffs in the milestone equal rights case of *Woods v. Horton*, (2008) 167 Cal.App.4th 658. *Woods* held it was unconstitutional to exclude male victims from State of California funded domestic violence services.

NCFM recently sued the United States Selective Service System to require women, as well as men, to register for the draft now that the Department of Defense announced female soldiers are eligible for combat duty. This case is on appeal at the U.S. Court of Appeals for the Ninth Circuit. *National Coalition For Men et al. v. Selective Service System et al.*, Case No. 13-56690.

NCFM’s work with the California Department of Justice resulted in the State Attorney General, now Governor, Jerry Brown issuing the attached Gambling Establishment Advisory warning California card rooms about how advertising and holding ladies poker tournaments violate the Unruh Act – even if men were allowed to play. NCFM attorneys also assisted the Executive Director of the California Department of Fair Employment & Housing in creating the attached publication regarding the illegality of Ladies’ Night promotions.

California’s Unruh Civil Rights Act and the equal protection clauses of the California Constitution prohibit businesses and state actors, respectively, from discriminating against people based on their sex and other protected personal characteristics. Civil Code section 52 provides the remedies for violations of the Unruh Act (codified as Civil Code section 51), which includes minimum statutory damages of \$4,000 for each and every offense by whoever discriminates or *aids* in any discrimination, and provides for attorney fees awards for prevailing plaintiffs.

Individuals, as well as business establishments, may be liable for Unruh Act violations. *North Coast Women's Care Center v. San Diego Superior Court [Benitez]* (2008) 44 Cal. 4th 1145 ("liability under the act for denying a person the full and equal accommodations, advantages, facilities, privileges, or services of a business establishment (§ 51, subd. (b)) extends beyond the business establishment itself to the business establishment's employees responsible for the discriminatory conduct."). Sex discrimination by anyone receiving State funding is prohibited by California Government Code section 11135(a), which provides, in pertinent part, the following:

- (a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

Many men and boys, as well as women and girls, would like to learn and apply technology skills. Many men and boys, just like many women and girls, would also like to lead and improve the tech-entitled society, just like Facebook COO Sheryl Sandberg, or like Marissa Mayer, the current president and CEO of Yahoo!.

Now is an especially important time for males to be equally attracted to and welcomed at a technology conference, because the Bureau of Labor Statistics reported that in April of this year, more than 37,000,000 million males 16 years old and over were not in the labor force. Feeling and being welcomed at the largest hands-on tech conference in the area would be a blessing to many area men and boys, especially the many unemployed or under-employed military combat veterans living in San Diego County.

NCFM asks that this tech conference be immediately marketed to everyone, not just females. NCFM suggests the title be changed to something more inclusive and diverse, such as "Geek Girls&Boys Tech Conference," "Geek Boys&Girls Tech Conference," or "Geek Everyone No Matter Your Sex Tech Conference." Please also consider a more inclusive and diverse description of the event such as "the largest Hands-On Tech Conference for Women & Men in the area!" or "the largest Hands-On Tech Conference for Men & Women in the area!" i.e., get rid of the we-really-don't-want-you-here parenthesis so both sexes feel equally welcome.

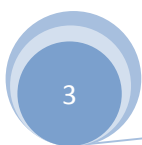
Lastly, NCFM asks that anyone involved in organizing, sponsoring, endorsing, or hosting Geek Girls Tech Conference attend sex sensitivity training so they never again organize or market a technical conference that welcomes men more than women or embraces women more than men. We trust none of you want to be associated in the future with a Geek Boys Tech Conference that is marketed to only males.

We look forward to your technical conferences treating women and men, and girls and boys, equally.

Respectfully,



Harry A. Crouch  
President, NCFM





# BUREAU OF GAMBLING CONTROL

EDMUND G. BROWN JR.  
Attorney General

Mathew J. Campoy  
Acting Bureau Chief

NUMBER 8

GAMBLING ESTABLISHMENT ADVISORY

January 18, 2008

## “LADIES ONLY TOURNAMENTS”

It has come to the attention of the Bureau of Gambling Control that some gambling establishments conduct “ladies only” poker tournaments that exclude men from participating, or admit them on different terms from those accorded to women. It is the Bureau’s view that such tournaments may violate California’s anti-discrimination laws.

Under the Unruh Civil Rights Act (Civil Code sections 51 and 51.5), businesses may not discriminate in admittance, prices, or services offered to customers based on the customers’ sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation. “Ladies only” tournaments or any other promotional events that fail to admit men and women to advertised activities on an equal basis regardless of sex are unlawful. It may also be unlawful under the Unruh Act to advertise tournaments as “ladies only” even if men are in fact admitted.

The Bureau will approve only those events that include the following features: the event will be open to all customers, the promotional gifts will be given equally to all event participants, the fees and prices will be the same for all event participants, any discounts will not be based on gender or another personal characteristic protected by the Unruh Act, and the event’s promotional materials do not advertise gender-based discounts or imply a gender-based entrance policy or any other unlawful discriminatory practice.

Gambling establishments should take notice that pursuant to Business and Professions Code section 125.6, violations of the Unruh Act are cause for discipline under the Gambling Control Act.

*For more information regarding this advisory, contact the California Department of Justice, Bureau of Gambling Control at (916) 263-3408.*

## Protections Under the Law Against Sex Discrimination

The Unruh Civil Rights Act (Civ. Code, § 51), originally enacted in 1959, was designed to protect the rights of Californians from arbitrary discrimination and to guarantee their rights to full and equal access to all public accommodations regardless of sex.

Discrimination by business establishments on the basis of sex is against the law. It is unlawful for any business that is open to the general public to discriminate against a patron based on any of the following classifications: sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation. The Unruh Act protection is not limited to these classifications. It is an Unruh Act violation for a business to offer special treatment, whether preferential or detrimental, to one class of patrons regardless of the business' motives for doing so.

## Businesses that are Governed by the Unruh Civil Rights Act

The list below includes examples of businesses that are covered by the Unruh Act. This list is non-exhaustive, and may include any place of public accommodation regardless of whether the entity is a traditional business or non-profit entity.

- **Bars and Nightclubs.**
- **Restaurants.**
- **Hotels and Motels.**
- **Retail Shops.**
- **Golf Courses.**
- **Fitness Clubs or Gyms.**
- **Theaters.**
- **Hospitals.**
- **Barber Shops and Beauty Salons.**
- **Non-Profit Organizations (open to the public).**
- **Public Agencies.**
- **Housing Accommodations.**

## Filing a Complaint

The Department of Fair Employment and Housing (DFEH or Department) is charged with the task of upholding the Unruh Act, and ensuring that its laws and principles are not violated. If you believe you are a victim of unlawful discrimination, do not hesitate to call the DFEH and file a complaint following these steps:

- Contact the DFEH by calling the toll free number at (800) 884-1684 to schedule an appointment.
- "Be prepared to present specific facts about the alleged harassment of discrimination.
- "Provide any copies you may have of documents that support the charges in the complaint.
- Keep records and documents about the complaint, such as receipts, stubs, bills, applications, flyers, witness contact information, and other materials.

## Examples of Sex-Based Discrimination Under the Unruh Violations

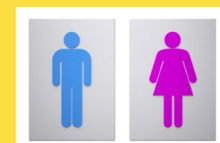
The following are examples of potential violations of the Unruh Act. The list is not meant to be exhaustive, and there is other conduct that may violate the Act.

- Providing free admission, discounts, or promotional gifts to only one sex.
- Charging men and women different prices for comparable services, such as clothing alterations, haircuts, dry cleaning, or drinks at a restaurant or bar.

- Maintaining "women only" or "men only" exercise areas of a fitness club or gym and excluding or deterring the opposite sex from those areas.
- Establishing a "women only" or "men only" business establishment which would otherwise be completely open to the public.
- Excluding one sex from a business premises during certain times.
- Posting signs or adopting policies for "women recommended" or "men preferred."
- Requiring members of one sex to submit to searches to gain admittance to a business.

establishment while providing admittance to members of the other sex without the same level or degree of search.

- Promoting a business with "ladies night" discounts on admission and services.
- Denying access to a business, such as a nightclub to a particular sex, or giving preference to one sex over the other.





Complaints must be filed within one year from the last act of discrimination. The DFEH will conduct an impartial investigation.

The Department is not an advocate for either the person complaining or the person complained against. The Department represents the state. The DFEH will, if possible, try to assist both parties to resolve the complaint. If a voluntary settlement cannot be reached, and there is sufficient evidence to establish a violation of the law, the Department may issue an accusation and litigate the case before the Fair Employment and Housing Commission or in civil court. This law provides for a variety of remedies that may include the following:

- Out-of-pocket expenses.
- Cease and desist orders.
- Damages for emotional distress.
- Statutory damages of three times the amount of actual damages, or a minimum of \$4,000 for each offense.

For more information, contact the DFEH  
Toll Free (800) 884-1684  
Sacramento area and out-of-state (916) 227-0551  
Videophone for the Deaf (916) 226-5285  
E-mail [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)  
Web site [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

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## State of California DEPARTMENT OF FAIR EMPLOYMENT & HOUSING



### References

1. California Civil Code section 51.
2. *Rotary Club of Duarte v. Board of Directors* (1987) 178 Cal.App.3d 1035. A non-profit club was a business establishment under the Unruh Act because it offered its members substantial "commercial advantages and business benefits." Membership in these kinds of organizations is a privilege or advantage under the Unruh Act. Thus, termination of membership based on sex is prohibited.
3. *Warfield v. Peninsula Golf & Country Club* (1995) 10 Cal.4th 594. By offering the public access to its facilities, the County Club became a business establishment under the Unruh Act and could not exclude women.

4. *Ibister v. Boys' Club of Santa Cruz* (1985) 40 Cal.3d 72. A non-profit activities center for boys was a place of public accommodation, and excluding an entire class of patrons, such as women, was illegal.
5. *Angelucci v. Century Supper Club* (2007) 41 Cal.4th 160. It was a violation of the Unruh Act for a night club to charge its male patrons a higher price for admission. The patrons need not affirmatively request nondiscriminatory treatment, but rather, are entitled to it. The Unruh Act imposes a compulsory duty upon business establishments to serve all persons without arbitrary discrimination.
6. *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24. The Unruh Act broadly condemns any business establishment's policy of gender-based price discounts.

### Unruh Civil Rights Act

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.