



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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April 27, 2023

BY EMAIL (attorney.general@ago.mo.gov)

Attorney General Andrew Bailey
Missouri Attorney General's Office
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

Re: Follow-up Regarding Discrimination Complaint Against Missouri State University Concerning Program Excluding White Males

Dear Attorney General Bailey:

We write to follow up on our letter of April 18, 2023, in which we called your attention to the fact that Missouri State University ("MSU") was engaging in racial- and gender-based discrimination through its sponsorship, promotion and hosting of a small business training "boot camp" that limited participation to individuals who identified as "BIPOC" or who are female, and that excluded white males from eligibility. We have not yet received any response from your office or from MSU.

In our letter, we requested that your office investigate this program, take all appropriate action to end such discriminatory practices by MSU and its affiliates, and impose remedial relief

for the benefit of those who were illegally excluded from the boot camp for discriminatory reasons. Your office recently told The Heartlander that it was “reviewing” our letter.¹

In response to news coverage about the program, MSU president Clif Smart reportedly told the Springfield Daily Citizen that “the university [did] nothing wrong” in part because the program “was funded with private money.”² The argument is specious, however, given that MSU participated in creation of the eligibility criteria, participated in the evaluation and selection of the boot camp’s applicants and hosted the program in MSU facilities. *See* Mo. Rev. Stat. §§ 213.065(2), 213.070.

Perhaps realizing as much, MSU told The Heartlander³ and Fox News⁴ that the “no white males allowed” boot camp was offered on a “one-time” basis, and that while MSU’s efactory would continue to offer the Early-Stage Business Boot Camp Program at no cost to the participants, it would now do so “irrespective of their race and/or sex.”⁵

Despite MSU’s pledge to no longer base eligibility in the program on protected categories, the discriminatory harm caused by its having done so must still be remedied. MSU offers no remedy in its public statements, and has not committed to running a specific number of future boot camps free from discrimination in order to provide training to those denied the benefit of the prior program.

MSU’s public statement also does not explain how such a clearly discriminatory program was permitted to happen. As set forth in our April 18 letter, this is not the first time MSU has run a racially exclusionary program. An investigation by your office of MSU’s practices and procedures is warranted into how such an openly discriminatory program was allowed to occur at MSU, and to ascertain whether other programs at MSU use racial, gender or other impermissible classifications to exclude or limit participation in them.

Earlier this week, the Springfield Daily Citizen reported that a Springfield resident named Jim Robinette had wanted to apply to the boot camp last winter but did not do so because, as a

¹ <https://heartlandernews.com/2023/04/19/no-whites-allowed-business-boot-camp-for-minorities-and-women-at-missouri-state-university-violates-state-and-federal-laws-must-be-investigated-by-ag-watchdog-argues/> [https://archive.is/PZpAW] (accessed on April 27, 2023).

² <https://tinyurl.com/pmbpwn74> [https://archive.is/9vYzi] (accessed on April 27, 2023).

³ <https://heartlandernews.com/2023/04/19/no-whites-allowed-business-boot-camp-for-minorities-and-women-at-missouri-state-university-violates-state-and-federal-laws-must-be-investigated-by-ag-watchdog-argues/> [https://archive.is/PZpAW] (accessed on April 27, 2023).

⁴ <https://www.foxnews.com/us/msu-says-business-boot-camp-excluded-white-males-now-open-all-irrespective-race-sex> [https://archive.is/DRSdW] (accessed on April 27, 2023).

⁵ *Id.*

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white male, he was ineligible for it.⁶ Robinette complained to MSU as well as to state and federal officials about the blatantly discriminatory nature of the boot camp, but no one responded to him.⁷ The failure – or perhaps refusal – of MSU to address Mr. Robinette’s legitimate concerns warrants investigation by your office, as well. This is especially urgent given President Smart’s assertion that the university did “nothing wrong.”⁸

We respectfully request that the Office of the Attorney General commence an investigation of MSU’s practices and procedures, including its Diversity, Equity, and Inclusion programming, to ensure that all ongoing and future programming through MSU and its affiliates comports with the Constitution and state and federal civil rights laws.

We appreciate your attention to this important matter.

Sincerely,



Ameer Benno, Esq.

Director of Litigation

The Equal Protection Project

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-And-

William A. Jacobson, Esq.

President

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⁶ <https://tinyurl.com/pmbpwn74> [https://archive.is/9vYzi] (accessed on April 27, 2023).

⁷ *Id.*

⁸ *Id.*

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