



February 7, 2022

Mr. Paul Cerkvenik  
President  
Minnesota Private College Council  
Town Square Tower  
445 Minnesota Street, Suite 500  
St. Paul, MN 55101

*Sent via email*

**Re: DISCRIMINATORY PRACTICES IN FEBRUARY 24 JOB FAIR PRICING**

Dear Mr. Cerkvenik:

The Foundation Against Intolerance & Racism is a nonpartisan, nonprofit organization dedicated to advancing civil rights and liberties and promoting a common culture based on fairness, understanding, and humanity.

We recently learned of the Minnesota Private College Council’s job fair that is set to begin on February 24. According to the MPCC’s materials, over 2,000 college and university students attend the fair. The MPCC’s registration page shows it has established a differential pricing structure for employers who wish to attend. Through February 1, private businesses paid \$625; nonprofit, governmental, and education organizations paid \$200; and “Businesses Owned by Black, Indigenous, or People of Color” paid \$200. After February 1, those rates increased, respectively, to \$750, \$325, and \$325:

<p><b>Business Rate</b></p> <p>For Profit/Private</p> <p><b>\$625</b></p> <p>\$750 after February 1, 2022</p>	<p><b>Social Services Rate</b></p> <p>Nonprofit, Government, Education</p> <p><b>\$200</b></p> <p>\$325 after February 1, 2022</p>	<p><b>BIPOC Rate</b></p> <p>For Businesses Owned by Black, Indigenous, or People of Color</p> <p><b>\$200</b></p> <p>\$325 after February 1, 2022</p>
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We believe that pricing structure violates civil rights protections, including Minnesota’s Human Rights Act. Section 363A.17 of that Act deems it an “unfair business practice” for those engaged in trade or business, or who provide a service, “to intentionally refuse to do business with, to refuse to contract with,

or to discriminate in the basic terms, conditions, or performance of the contract because of a person's race, national origin, color, sex, sexual orientation, or disability, unless the alleged refusal or discrimination is because of a legitimate business purpose." Minn. Stat. § 363A.17. The Act also provides that it is "an unfair discriminatory practice" to "deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, disability, national origin, marital status, sexual orientation, or sex..." *Id.* § 363A.11. "Place of public accommodation" is defined as "a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public." *Id.* § 363A.03(34).

The MPCC is an organization that engages in trade or business, provides a service, and extends, offers, sells, and makes available its services, privileges, advantages, and other benefits to the public. By charging different prices based solely on the business owner's skin color and racial classification, the MPCC is engaging in discriminatory conduct prohibited by the Human Rights Act.

FAIR would support efforts by the MPCC to offer discounts or financial assistance based on businesses' financial ability or other legally permitted conditions. Charging different prices based solely on ancestry, however, is unlawful.

The fair begins soon and many have already registered. **Accordingly, we urge the MPCC to withdraw and remedy the discriminatory pricing structure by 5:00 pm Central Time on Wednesday, February 9.**

Very truly yours,

Letitia Kim  
Managing Director of the Legal Network  
Foundation Against Intolerance & Racism

cc: Mr. John Manning, Director of Marketing and Communications