

Associated Students Resolution Pouring Rights at San Francisco State University

Sponsors: Real Food Challenge SFSU, Student Union of San Francisco, Environmentally Concerned Organization of Students, Health Education Student Association, League of Filipino Students, Student Kouncil of Inter-Tribal Nations, Tau-Pi Chapter of the Kappa Sigma Fraternity, Pre-Med Honor Society SFSU, Improving Dreams Equity Access & Success, Black and Brown Liberation Coalition, Movimiento Estudiantil Chicane de Aztlán at SFS, La Raza, Fossil Free SFSU, InterVarsity Christian Fellowship at SFSU, Black Student Union of SFSU, General Union of Palestine Students of SFSU, Pacific Islanders Club, Holistic Health Network, SF Hillel, Shape Up SF

Subject: Resolution Against Pouring Rights at San Francisco State University

WHEREAS, San Francisco State University states on its official website that the campus is “renowned for incorporating social justice and civic engagement into all aspects of campus life”, for “valuing activism, social justice, and service to community,”¹ and as articulated in the SFSU mission statement, has an “unwavering commitment to social justice that is central to the work of the university”²; and

WHEREAS, serving student requirements should be the primary driver of all aspects of the University, necessitating comprehensive student input when it comes to all campus decisions, specifically those that concern changes in buildings funded through student fees or on issues that pose an impact on the overall campus identity or day-to-day needs and habits of the SF State community, such as a change in vendors, policy, or use of space; and

WHEREAS, the San Francisco State University 2014 Strategic Plan states that the University “recognize[s] that it] play[s] a central role in the resilience of our community and the world, not only as the result of the contributions that [its] graduates make, but through [its] scholarship, activism and community--engaged work . . . confront[ing] such problems as environmental sustainability and climate change in our classrooms and labs, [it] recognize[s] its responsibility to help forge resilience in the communities [it] serve[s]”³; and

¹ San Francisco State University. (2015, September 15). Community engagement. In SF State Makes Things Happen. Retrieved from <http://www.sfsu.edu/~puboff/engagement.html>

² San Francisco State University. (2015, February 10). Mission of the University. Retrieved from <http://www.sfsu.edu/~puboff/mission.html>

³ San Francisco State University. (2014, December 15). SFSU Strategic Plan 2014. Pg. 14. Retrieved January 10, 2015, from http://planning.sfsu.edu/sites/sites7.sfsu.edu/planning/files/Strategic_Plan_Final.pdf

WHEREAS, the University aspires to “model environmental sustainability on our campus that is exportable to our communities beyond the campus” and “develop an identity both locally and beyond as a campus that is engaged in its community and in doing so is essential to its resilience”⁴; and

WHEREAS, the University has stated its objectives to:

- 1) become a nationally recognized leader in campus environmental sustainability;
- 2) expand and support programs and services that contribute to personal health and wellness;
- 3) become a national leader in mitigating the effects of climate change and fostering community resilience;
- 4) be a champion and advocate at the regional level in areas that include economic development⁵; and

WHEREAS, The SFSU campus community values health for the collective community as a whole and take action to implement this value into campus policy, such as in the case of SFSU's Smoke Free Campus Policy, which prohibits the sale and use of smoking tobacco stemming from recent research that reveals environmental smoke being the third leading cause of preventable death⁶; and

WHEREAS, Americans are suffering from an epidemic of diet-related diseases, such as diabetes, obesity, and cancer,⁷ which are contributing to skyrocketing healthcare costs and a generation of Americans that will be the first in our nation's history with a shorter lifespan than their parents, due in part to the food they eat⁸; and

WHEREAS, the medical community considers artificial sweeteners a primary cause of diet related diseases due to altered metabolism and gut bacteria⁹; and

4 Ibid.

5 San Francisco State University, *supra* note 3

6 Center for Disease Control and Prevention. (2006). The Health Consequences of Involuntary Exposure to Tobacco Smoke. Retrieved September 28th, 2015, from <http://www.ncbi.nlm.nih.gov/books/NBK44324/>

7 Olshansky SJ, Passaro DJ, Hershow RC, Layden J, Carnes BA, Brody J, Hayflick L, Butler RN, Allison DB, and Ludwig DS, A Potential Decline in Life Expectancy in the United States in the 21st Century. New England Journal of Medicine, 352:11, pp. 1138-1145.

8 Centers for Disease Control and Prevention. (2011). “Obesity- At A Glance.” Website. Retrieved at <http://www.cdc.gov/chronicdisease/resources/publications/AAG/obesity.htm>

9 Woods, C. (2015, August 13). Is diet soda any healthier than regular soda? PBS Newshour, Retrieved from <http://www.pbs.org/newshour/updates/diet-soda-healthier-regular-soda/>

WHEREAS, consumption of sugary drinks (one 12-ounce can a day) increases the risk of cardiovascular disease mortality by nearly one-third¹⁰; and

WHEREAS, according to the SFSU 2014 Campus Dining Strategic Planning Survey Report, “Most [people who bring a brown bag lunch from home rather than dine at the Student Center] choose to for reasons of cost or *to better control their diet*”;¹¹ and 19.1% of those respondents cited “[to eat] healthier food than on campus” as another reason they bring a brown bag lunch; they constitute the second largest category for eating habits at SFSU, representing a significant percentage of the SFSU demographic within the survey; and

WHEREAS, suggestions as to how SFSU could improve/change food quality, preparation, and variety included: “use local, fresh, organic ingredients” and offering “GMO-free foods that are local”¹²; and

WHEREAS, major beverage corporations such as Pepsi Co. and Coca Cola Co. sell products that are high in high-fructose corn syrup, which is likely made from GMO corn¹³; and

WHEREAS, the 2013 CCSC Student Satisfaction Survey concluded that, “Continuing to explore offering healthy food options while keeping an eye on the price of these options” was a top priority moving forward¹⁴; and

WHEREAS, the University’s commitment to local economic resilience recommends supporting local businesses¹⁵; and

WHEREAS, 60% of respondents in the SFSU 2014 E13016 Campus Dining Strategic Planning Survey Report prefer “local/non-branded [eatery] cafe”, and only 13% preferred “regionally or nationally branded [eatery cafe]”¹⁶; and

10 City and County of San Francisco. (2015). Findings and Purpose. In Ordinance No.100-15. San Francisco, CA: Government Printing Office. Retrieved from <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances15/o0100-15.pdf>

11 San Francisco State University. (April 25, 2014). E13016 Campus Dining Strategic Planning - Survey Report. Slide 13

12 Ibid. Slide 46

13 United States Department of Agriculture, Economic Research Service. Retrieved from <http://www.ers.usda.gov/data-products/adoption-of-genetically-engineered-crops-in-the-us.aspx>

14 San Francisco State University. (2013). CCSC 2013 Student Satisfaction Survey.

15 San Francisco State University, *supra* note 3

16 San Francisco State University, *supra* note 11, slide 27

WHEREAS, according to the Real Food Challenge guidelines, ‘real’ food is defined as local/community based, ecologically sound, fair, and humane¹⁷; and

WHEREAS, SFSU’s Associated Students passed a resolution in support of Real Food Challenge guidelines and goal of attaining 20% ‘real’ food by 2020 in March 2014¹⁸; and

WHEREAS, the CSU Board of Trustees has approved a statewide Sustainability Food Policy stating that each campus must reach 20% of “real” food by 2020 according to the Real Food Challenge guidelines¹⁹; and

WHEREAS, the San Francisco Unified School District’s Wellness Policy of 2015 banned drinks containing added sweeteners and further announced that, “Schools shall not invite or contract with any entity and/or individual who wishes to sell, donate, or provide any kind of food or drinks to students,”²⁰ under the pretense that, “Schools play a critical role in promoting the health and safety of young people and helping them establish lifelong healthy behavior patterns”; and

WHEREAS, the University of California San Francisco has banned the sale of sugar-sweetened beverages in its onsite cafeterias and food vendors, vending machines, campus catering, and retail locations in an effort to “align the campus food and drink sales with the growing science about the negative impact of excess sugar consumption on health”²¹; and

WHEREAS, on June 6th, 2015 the San Francisco Board of Supervisors voted unanimously to require advertisements for sugar-sweetened beverages to include a warning label about the harmful effects of consuming such beverages as well as banning advertisements for sugary drinks on publicly owned property and prohibiting the use of city funds for purchasing sugary drinks²²; and

WHEREAS, the Open Truth Campaign, whose ads appear on MUNI transportation, is a collaboration between Shape Up San Francisco (project of the Population Health Division of the SFPDHP) and The Bigger Picture (Youth Speaks and Center for Vulnerable Populations/UCSF), Alameda County Department of Public Health, Sonoma County Department of Health Services,

17 Real Food Challenge. (n.d.) Our Criteria. Retrieved from <http://calculator.realfoodchallenge.org/help/resources>

18 Associated Students, San Francisco State University. (2014, March 12). Associated Students Resolution # 03-12-14-04 Real Food Challenge Resolution.

19 California State University. (2014, May 20). Sustainable Food Service. In Joint meeting for the committees on Educational Policy and Campus Planning, Building, and Grounds Agenda. Long Beach, CA: Office of the Chancellor. Retrieved from <http://www.calstate.edu/bot/agendas/may14/JointMeeting-CPBG-ED.pdf>

20 San Francisco Unified School District Board of Education Policy. (2015). Wellness Policy. (SFUSD Article 5). San Francisco, CA: San Francisco Unified School District Office.

21 Bole, K. (2015, May 25). UCSF launches healthy beverage initiative. University of California San Francisco News Center. Retrieved October 10, 2015 from <https://www.ucsf.edu/news/2015/05/129901/ucsf-launches-health-beverage-initiative>

22 City and County of San Francisco. (2015). Findings and Purpose. In Ordinance No.100-15. San Francisco, CA: Government Printing Office. Retrieved from <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances15/o0100-15.pdf>

the American Heart Association Greater Bay Area Division, the Community Engagement and Health Policy Program of the Clinical & Translational Science Institute (CTSI) at UCSF, and the Latino Coalition for a Healthy California, to bring awareness to how “big soda targets youth of color” and how “sugary drinks are making us sick”²³; and

WHEREAS, in San Francisco State University's Request For Proposals²⁴ for the pouring rights contract, the “Accepted nutritional guidelines” include, “Electrolyte replacement beverages that do not contain more than 42 grams of added sweetener per 20 ounce serving,” exceeding the limit of 36 grams of added sugar recommended by the American Heart Association²⁵; and

WHEREAS, soft-drink companies have been known to bypass federal law²⁶ by “donating sodas to schools for free distribution during school meal periods,”²⁷ and by developing sweetened fruit drinks that “contain just enough juice (5%) to circumvent definition as a food of minimal nutritional value”²⁸; and

WHEREAS, large beverage companies disproportionately target and affect communities of color²⁹ and, according to SFSU University Communications, over 70% of the student respondents indicated that they are people of color³⁰; and

WHEREAS, “if current trends continue, 40% of all Americans will get [type 2] diabetes in their lifetimes and half of Latino and African American children born in 2000 will get [type 2] diabetes

23 San Francisco Department of Public Health. (2015, February 17). Open truth now campaign. Retrieved from <http://www.opentruthnow.org/>

24 University Corporation, San Francisco State University. Pouring Rights Partnership Opportunity. San Francisco, CA: San Francisco State University. Retrieved from <https://drive.google.com/file/d/0B3ozKlm8fD9sem1iWHFtSHpTb2t5MnJhbEt4YTlqVDJYQWhn/view?usp=sharing>

25 American Heart Association. (August 2009). Dietary Sugars Intake and Cardiovascular Health. A Scientific Statement From the American Heart Association. *Circulation*, Journal of American Heart Association. Retrieved September 28th, 2015 from <http://circ.ahajournals.org/content/120/11/1011.full.pdf>

26 DEPARTMENT OF AGRICULTURE, Food and Nutrition Service; Nutrition Standards in the National School Lunch and School Breakfast Programs <http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals>

27 Nestle, M. (2000). Soft drink “pouring rights”: marketing empty calories to children. *Public Health Reports*, 115(4), 308.

28Ibid.

29 Harris, J. L., Schwartz, M. B. LoDolce, M., Munsell, C., Fleming-Milici, F., Else, J., . . . Dembek, C. (2014). Sugary Drink FACTS 2014: Some progress but much room for improvement in marketing to youth. New Haven, CT: Yale Rudd Center for Food Policy & Obesity. Retrieved from http://www.sugarydrinkfacts.org/resources/SugaryDrinkFACTS_Report.pdf

30 Academic Institutional Research. (2015). Data Book 2015. San Francisco, CA: San Francisco State University. Retrieved from <http://air.sfsu.edu/sites/sites7.sfsu.edu.air/files/Data%20Book%202015.pdf>

sometime in their lives. Already, almost one-quarter of teens have either [type 2] diabetes or prediabetes – double the rate of just 10 years ago”³¹; and

WHEREAS, the United Steelworkers of America and the International Labor Rights Fund filed lawsuits in 2001 and 2006 on behalf of Colombian labor union SINALTRAINAL charging Coca Cola Co. with contracting “with or otherwise directed paramilitary security forces that utilized extreme violence and murdered, tortured, unlawfully detained or otherwise detained or otherwise silenced trade union leaders.” Since then other lawsuits have been filed against Coca Cola Co. for human rights violations that have occurred in Mexico, Guatemala, China, El Salvador, and India³²; and

WHEREAS, Coca-Cola Co. continues to benefit from hazardous child labor in the sugarcane fields of El Salvador³³; and

WHEREAS, Coca-Cola Co. and Pepsi Co. are responsible for the depletion and pollution of drinking water in India and elsewhere, and are destroying integral water sources used for irrigation, drinking and sanitation by entire communities around the world³⁴; and

WHEREAS, in India Coca-Cola Co. sold their toxic waste as “fertilizer” to farmers and sold products containing pesticides and poisons, causing the Parliament of India to ban the sale of Coca-Cola in its cafeteria³⁵; and

WHEREAS, soft-drink companies use pouring rights to transform public schools from institutions of learning into commercial environments, diluting class curriculum that discourages soft-drink consumption by encouraging soft-drink consumption throughout the rest of the day³⁶; and

WHEREAS, “the longer that schools sell soft drinks, the more dependent schools will become on money that pouring-rights contracts provide [--e.g.] as governments see that schools are

31 Open Truth <http://www.opentruthnow.org/diabetes/>

32 Campaign to Stop Killer Coke. (n.d.) Tell Coca-Cola to Stop the Violence! Retrieved from <http://killercoke.org/index.php>

33 Ibid.

34 India Resource Center. <http://www.indiaresource.org/>

35 Campaign to Stop Killer Coke. (n.d.) Labor Union Solidarity. Retrieved from http://killercoke.org/labor_activism.php

36 Almeling, D. S. (2003). The problems of pouring-rights contracts. *Duke Law Journal*, 1111-1135. Retrieved from <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1215&context=dlj>

adequately funded by corporations, they will perceive less of a need for government funding of education.”³⁷; and

WHEREAS, up to this point, no official communications on behalf of the University has been made to the student body or faculty expressing President Wong’s and the University Administration’s intent to pursue a pouring rights contract at SFSU,

WHEREAS, there has not been any attempts made to seek input from students and faculty whether to pursue the idea for a pouring rights contract before publicizing the Request for Proposals for pouring rights-contract bids, which is in violation of the CSU policy and California education code that establishes the Associated Student Body organizations as “the official representative body of the students of that campus” and that “the presidents will provide these officially recognized student body organizations the opportunity to offer opinions and make recommendations about campus policy and procedures that have or will have an effect upon students”³⁸

THEREFORE BE IT RESOLVED, that public institutions of education, must be funded publicly and not by corporations to preserve academic integrity and serve society as a space for free thought and progress of the people and planet earth, not corporate interests and profits, and further;

RESOLVED, that campus dining options shall reflect SFSU’s commitment to the sustainability and resilience aspirations and objectives stated in SFSU’s 2015 Strategic Plan; and further;

RESOLVED, that SFSU will take all possible actions to apply preventive health measures in consideration of the beverages served on campus, as it recognizes that good health and nutritious food is critical to student success and that any new contract negotiations on the University campus must commit to minimizing and/or reversing the negative impacts of advertisements of sugary beverages, and further;

³⁷ Ibid.

³⁸ California State University. (2001, July 10-11). Committee on Educational Policy Agenda Item 4. Long Beach, CA: CSU Office of the Chancellor. Retrieved from <http://www.calstate.edu/bot/agendas/sep09/edpol.pdf>

RESOLVED, that Associated Students reaffirms the commitment by the CSU and Associated Students to the Real Food Challenge goal and guidelines for reaching 20% real food by 2020, and implores San Francisco State's President, University Corporation, and the vendors on campus work to implement the agreement, and further;

RESOLVED, that Associated Students will advocate for and begin to outline a more specific process for the University to engage in and be accountable for **shared governance with the student body, especially for contested campus matters, and further;**

RESOLVED, that the SFSU administration will immediately cease and desist disrupting and disrespecting CSU shared-governance, decision-making processes that transparently communicate with the student body, the Associated Students and faculty on all campus policy decisions ensuring awareness and holistic participation in campus matters, and further;

RESOLVED, that we beseech San Francisco State President Leslie Wong and Vice President of Administration and Finance Ron Cortez to hold a public town hall to formally share the University's intentions to go into a pouring rights contract, and listen to and discuss the campus community's opinions and concerns regarding such a contract, and finally;

RESOLVED, that a pouring rights contract between SFSU and a soft drink manufacturer, such as Coca Cola Co. or Pepsi Co., is not suitable for San Francisco State University, and all negotiations must be terminated immediately, and the Request for Proposals must be retracted, due to its violation of SFSU values and community standards of environmental responsibility, human rights, good health, local empowerment and shared governance.