



Resolution Endorsing the Demands of Reclaim the Commons

Adopted by the Doctoral and Graduate Students' Council (DGSC) on February 17th, 2023

To the attention of:

Graduate Center President, Robin L. Garrell
Graduate Center Provost, Steve Everett
Senior Vice President of Finance and Administration, Brian A. Peterson
CUNY Chancellor, Félix V. Matos Rodríguez
CUNY University Chief Operating Officer, Hector Batista

Whereas, Reclaim the Commons is a self-organized student group that has mobilized around the need for food in the Dining Commons since February 1, 2023 and they have created The People's Pantry.

Whereas, the Graduate Center (GC) Senior Administration has tried to remove The People's Pantry from the Dining Commons, including a confrontational email sent to The People's Pantry organizers by a GC lawyer.

Whereas, the Doctoral and Graduate Students' Council (DGSC) is aware that many GC students live in precarious conditions due to the low funding received by the institution.

Whereas, the DGSC has been in contact with GC Senior Administration several times concerning the topic of access to food in the building during the current academic year.

Whereas, GC Senior Administration have presented a shifting narrative about what difficulties hinder the reopening of food services at the GC.

Whereas, in Fall 2022, GC Senior Administration stated that food services would not be reopening due to the lack of in-person attendance at the GC. GC Senior Administration specified that a prospective vendor was head-counting at the entrance of the GC but they did not count enough people to justify signing a food services contract with the GC.

Whereas, GC Senior Administration later announced to the DGSC Executive Committee that attendance was close to pre-pandemic levels, and changed the narrative to say that even pre-pandemic, food services were not profitable for the vendors without the assistance of outside contracts for catering services.

Whereas, GC Senior Administration asked the DGSC Executive Committee to support the use of the vending machines to show the vendors the profitability of the GC, despite the fact that the vending machines have never been a sustainable option for hot food with healthy choices.

Whereas, the DGSC released a petition for food services at the GC on December 2nd, 2022 that mentions the shifting narrative about the lack of food services. As of February 13th, 2023, the petition has 309 signatures.

Whereas, this petition was submitted to CUNY Central Administration and the CUNY Board of Trustees as testimony for the Public Hearing of December 5th, 2022 with 128 signatures.

Whereas, this petition was mentioned to the administration at the Graduate Center Community Meeting of December 6th, 2022, and the President publicly acknowledged the petition.

Whereas, the GC community, including students, staff, and faculty, presented worries about the lack of food services at the GC. Around this time, GC Senior Administration changed the narrative once again, stating that the kitchen is currently in disrepair and needs to be renovated before food services can reopen.

Whereas, the renovation of the kitchen has been an ongoing project since the 2020-2021 academic year, with a request for funds being submitted in the CUNY FY2021 Capital Allocation Budget Request, which was submitted to the NY State Government before the pandemic.

Whereas, there is still no transparency as to the current state of the kitchen, and the GC community has not been provided any information as to the level of disrepair.

Whereas, the GC Auxiliary Enterprise Corporation (AEC) is an Independent 501(c)(3) non-profit corporation responsible for revenue and expenditures relating to room reservations and food services at the GC.

Whereas, the GC Senior Administration claims that because the AEC is an independent 501(c)(3), its Board of Directors (BoD) is not subject to New York Open Meetings Law (OML), and therefore, they do not allow non-members to observe the meetings.

Whereas, five members of the DGSC are the only student representatives on the AEC BoD and the other eight representatives are appointed unilaterally by the GC President.

Whereas, according to *Smith v. CUNY*, the College Association of LaGuardia Community College, which is also an independent 501(c)(3), is indeed subject to OML because it is “a formally chartered entity with officially delegated duties and organizational attributes of a substantive nature” and therefore “should be deemed a public body that is performing a governmental function” because “[i]t is invested with decision-making authority to implement its own initiatives and, as a practical matter, operates under protocols and practices where its recommendations and actions are executed unilaterally and finally, or receive merely perfunctory review or approval.”

Whereas, because the AEC BoD unilaterally makes binding decisions about room reservations and food services, this same description applies to the AEC, and therefore, it should be considered a public body subject to OML.

Whereas, installing a food pantry to respond to food insecurity at the GC has been a topic of discussion since 2018 when then-Governor Andrew Cuomo mandated all NY Public Colleges to install pantries.

Whereas, when Governor Cuomo announced that the pantry was no longer a NYS mandate, the GC Senior Administration paused the development of a food pantry at the GC.

Whereas, the creation of The People's Pantry by the students is proof of the student body's urgent need for food services at the GC.

Whereas, the student body has expressed to DGSC representatives the need for spaces and social events to have academic life and feel part of the GC as a community.

Whereas, belonging to a community is important for the mental health and overall well-being of the GC community.

Let it be resolved that the the DGSC endorses the demands of Reclaim the Commons organizers which are:

1. **Reopen the cafeteria immediately.** In tandem with a committee of student, faculty and staff advisers, management must provide a public plan by March 31 for reopening the cafeteria. Before the cafeteria is reopened, management must begin providing a daily low-cost hot food option to the college community. Vending machines are not enough, and expecting individuals to purchase food in midtown on less than a living wage is unacceptable.
2. **Support students, faculty and staff in transforming the Dining Commons into a communal space.** By March 1, senior administration must establish a fund that will sustain the existing People's Pantry and purchase furnishing and amenities for a more social and community-centered space. There must also be more community autonomy in decisions about future revenue-generating reservations of the space to non-GC entities. Additionally, political expression in the Commons must be affirmed as a positive right and cannot be restricted by administrative fiat.
3. **Increase transparency around kitchen management.** In 2021, \$900,000 dollars was allocated by vote to kitchen repairs—and yet there seemingly has been no progress in renovations. We demand management post a public report on the kitchen and the unaccounted-for funds by March 1. We also demand that the Auxiliary Enterprise Corporation, which manages GC food services and space reservations, become compliant with Open Meetings Law.