

**ADVISORY OPINION
FRATS N’ SRATS**

**REVIEW OF PROPOSED
CONSTITUTIONAL
AMENDMENTS**

Keller, CJ. for the Court.

Pursuant to Article IV, Section 3(C)(5), of the Student Body Constitution, it is within the jurisdiction of this Court to issue advisory opinions¹ “concerning student rights under the Student Body Constitution upon request of the Student Body President or any Senator.”

We take this opportunity to emphasize that we have not been presented with a case or controversy and we are not considering a particular set of facts. This advisory opinion is a general interpretation of student rights and is not binding on the court.

On September 25, 2019, a Florida State University Senator petitioned this Court for an advisory opinion as to whether Fraternities and Sororities, that are recognized by the Office of Fraternity and Sorority Life (OFSL), are considered a part of the

Student Government Association (“SGA”).

The Senator inquires if fraternities and sororities fall under the jurisdiction of Chapter 700 of the Student Body Statutes (“SBS”). We conclude that Fraternities and Sororities, that are recognized by the OFSL do not fall within the bounds of SGA. We further conclude that because Fraternities and Sororities are not a part of SGA such organizations do not fall within the jurisdiction of Chapter 700 of the SBS.

REASONING

In coming to its advisory opinion, this Court looked to the language of the Student Body Statutes and Constitution, the governing documents of FSU’s Greek letter councils, and other documents applicable to the question posed.

Neither the term “fraternity” nor “sorority” appear once in the FSU Student Body Constitution or Statutes. In fact, the FSU Student Body Constitution contains no references whatsoever to Greek letter organizations. The SBS contains one reference to such Greek letter organizations and that reference appears to have been

¹ “A nonbinding statement by a court of its interpretation of the law on a

matter submitted for that purpose.” Black’s Law Dictionary, 8th Ed. 2004

forgotten or at the very least not enforced in the modern era. This may come as news to any Senators reading this Advisory Opinion, but SGA Stat. 306.3 requires that the Executive Boards of the Inter-Fraternity and Panhellenic Councils attend the State of the Student Body Address. Perhaps an impassioned Senator will read this Opinion and attempt to enforce the provision come time for the next State of the Student Body. Better yet, perchance a scrupulous Senator will read this Opinion and feel the need to address this obscure provision.

I digress, not only are Greek letter organizations not referenced, at least in any relevant manner, in the SBS or Student Body Constitution, but Greek letter organizations are governed by the OFSL. The OFSL is organized as an office that is entirely separate from and independent of SGA.² By way of example, each of the Greek councils at FSU has its own Constitution and by-laws that govern the conduct of its member organizations. In my seven years at this glorious institution I cannot recall a time when the Student

Senate made an amendment to the Interfraternity Council Constitution. This is because the Greek letter councils and SGA are independent of one and other.

Notwithstanding the aforementioned separations of SGA from fraternities and sororities, let us consider the location of the fraternity and sorority houses at FSU. The fraternities and sororities at FSU who operate chapter houses are not included as a part of the campus on FSU's campus map.³ Thus, the owners of these properties would probably be shocked if someone were to tell them that the FSU SGA Election Code applies to all activities conducted on their property. Further, there is nothing but luck to wish the brave soul who attempts to enforce the provisions of the Election Code on conduct that occurred within a privately owned residence located off the campus of FSU.

Now, perhaps there is a curious Senator reading this and saying "but isn't Heritage Grove was considered a part of the FSU campus?" Well, the grand privilege

² See University Organizational Chart Overview (https://hr.fsu.edu/PDF/Publications/classification/University%20Organizational%20Chart_Overview.pdf?2020-02-1216-03-27)

³ Florida State University MAIN CAMPUS MAP, FSU Facilities (https://www.facilities.fsu.edu/depts/planningMan/Documents/Maps/MC_AcademicMap.pdf)

and title of landlord of not only Heritage Grove but also Southgate belongs to the Leon County Educational Facilities Authority.⁴

CONCLUSION

Fraternalities and Sororities at FSU are in no way considered a part of SGA. Accordingly, such organizations are beyond the jurisdiction of Chapter 700 of the SBS.

⁴ See 2009 Management Review, Leon County Educational Facilities Authority