

Domestic Disturbances Between Schools and Their Alumni Associations

JULY 24, 2015

In an ideal world, a school and its alumni association work together to foster the best interests of the students. However, in some cases, the school may find itself as the defendant in a lawsuit filed by its alumni association, perhaps over matters of school governance. In other cases, the alumni association may find itself evicted from on-campus office space and sued to prevent the use of school trademarks, athletic teams' mascot names and the school name. The root cause may be land use, finances, or even the success of an athletic program, generally amplified by poor communication between the parties. In all cases, the process is messy and distracting.

For example, one school, the New Mexico Military Institute, is a state supported military academy, including a college preparatory four-year high school and a two-year junior college. The school and its alumni association operated under a Memorandum Of Agreement for several years that permitted the alumni association to use the school's name and trademarks. In 2013, the school declared that the alumni association was in breach and the Memorandum Of Agreement was terminated. The school sued the alumni association for funds under the alumni association's control and revoked the permission to use the school's name and trademarks. As of May 2015, the trial goes on, the ownership of more than $5 million is not yet settled, and the legal fees are reported to exceed $1.2 million.

Client Tip: *The school can legally prevent the alumni association from using the school's name, the school's trademarks, athletic teams' mascot names and require that the alumni association provide a prominent disclaimer of any association with the school.*

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