

Colleges and universities depend heavily on the charitable support of alumni, parents, and friends for the operation of their schools. Larger gifts, however, tend to be accompanied with a purpose—and certain restrictions. Donors of such gifts expect that their contributions will be administered in exactly the same way as they had intended. Sometimes, however, this is not the ultimate result. In such cases, the issue becomes whether a donor may bring suit to enforce the terms of a charitable donation. This Note will look broadly at the issue of donor standing—specifically, how it pertains to charitable donations to colleges and universities. It will also address judicial characterization and enforcement of charitable donations and analyze the case law that surrounds the issue of donor standing, ultimately focusing on how similar donations have had divergent outcomes depending on the jurisdiction. This Note will also analyze the legislative side of the issue, looking particularly at statutory divergence regarding how charitable donations are classified among various jurisdictions, as well as address possible ways to reconcile the jurisdictional differences on donor standing by looking to scholarly debate on the issue. Finally, this Note concludes by arguing that while changes in current legislation may help to create a more transparent system, they must be done in light of past judicial precedent.