



Kevin P. McDonough

Partner

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Kevin P. McDonough is a senior member of the Firm's Higher Education Practice Group. He concentrates his practice in the areas of Higher Education and Not-For-Profit Law. For over 30 years, he has counseled and advised universities and colleges in a wide variety of higher education matters ranging from day-to-day academic issues, student affairs and faculty issues and business operations to more complex matters such as strategic planning, governance and compliance, new program development and acquisitions, government investigations/audits, and the formulation and implementation of long term, multi-phase campus development plans.

In addition to working with the Firm's many higher education clients, Kevin also serves as outside General Counsel to several universities. This combination of experience provides Kevin with unique insight, understanding and in-depth knowledge of the legal issues and challenges that arise in higher education today. Kevin, together with the other members of the Firm's higher education team, regularly provide our clients with guidance on matters including academic affairs; federal and state regulatory compliance (e.g., FERPA; Clery Act); the development and implementation of policies, codes and administrative procedures; campus safety and security; governance and board issues; student and residential life issues; internal grievance and disciplinary procedures; contract review and negotiations; financial aid; staff training; labor issues; faculty and employee matters; and discrimination, harassment and Title IX claims before the U.S. Department of Education's Office of Civil Rights ("OCR"), the New York State Division of Human Rights, and in federal and state courts.

An important aspect of Kevin's practice is representing higher education institutions seeking to explore and/or pursue merger, acquisition, and partnership opportunities with other institutions. He also has represented colleges facing financial distress because of various challenges, including declining enrollment, demographic changes/shifts in college age populations, and the impacts of increasing costs in a post-covid pandemic environment. Kevin has been lead counsel in the Firm's representation of several high profile situations involving college closures and institutions seeking solutions/alternatives/options to closure which all involve complex choices and difficult decisions. One of the most challenging determinations for the leadership team and the

Trustees of a college is deciding when and how to cease academic instruction and carry out an orderly wind-down and closure, should circumstances compel that course of action. As importantly, because of this recent and extensive experience, Kevin and his colleagues have developed solid working relationships and gained the trust of key regulators and accreditors who are critical to successful outcomes.

Kevin also advises not-for-profit institutions on a wide variety of matters, including governance, contracts, litigation, real estate, zoning, and land use matters. Over the years, he has also served as trial counsel for higher education institutions, not-for-profit and religious entities in federal and state courts and in administrative proceedings.

Kevin served four years on active duty in the U.S. Army from 1981 through 1985, attaining the rank of Captain.

Practices

- Higher Education
- Not-for-Profit and Religious Organizations
- Municipal, Zoning, Land Use and Permitting

Industries

- Not-for-Profit and Religious Organizations
- Real Estate

Bar Admissions

- New York
- U.S. Supreme Court
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

Education

- J.D., Fordham University School of Law, 1988
- M.B.A., Fairleigh Dickinson University, 1984
- B.S., University at Albany, 1981
- A.A., Wentworth Military Academy and Junior College, 1979

Professional and Community Activities

- Member, National Association of College and University Attorneys
- Trustee, Wentworth Military Academy and Jr. College, 2015—2018
- Director, Nassau County Bar Association, 2015—2018
- Director, Nassau County Magistrate's Association, 2016—2023
- President, Nassau County Magistrates Association, 2021—2022
- Chairman, Nassau County Bar Association, Real Property Law Committee, 2014—2016
- Member, New York State Bar Association
- Member, Nassau County Bar Association
- Village Justice, Village of Rockville Centre, 2009—2023

Honors and Awards

- Rated “AV Preeminent” by Martindale-Hubbell
- President’s Award, Nassau County Bar Association, 2015—2016
- President's Medal, Molloy University, 2020