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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION at LONDON

- - -

UNITED STATES OF AMERICA,	:	Docket No. 5:25-cv-424
	:	
Plaintiff,	:	Lexington, Kentucky
	:	Wednesday, December 19, 2025
versus	:	9:30 a.m.
	:	
THE UNIVERSITY OF KENTUCKY,	:	
et al.,	:	
	:	
Defendant.	:	

- - -

TRANSCRIPT OF MOTION FOR INJUNCTIVE RELIEF
BEFORE DANNY C. REEVES
UNITED STATES DISTRICT COURT JUDGE

- - -

APPEARANCES:

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1 APPEARANCES - Continued

2

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19 Court Reporter:

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23 Proceedings recorded by mechanical stenography,
24 transcript produced by computer.

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1 (Proceedings commenced at 9:27 a.m.)

2 THE COURT: Madam Clerk, will you call the matter
3 scheduled for hearing at 9:30.

4 COURTROOM DEPUTY: Yes, Your Honor.

5 Ramsi Woodcock versus University of Kentucky.

6 Lexington Civil Action Number 5:25-cv-424.

7 THE COURT: Will counsel state their appearances,
8 please?

9 We will begin with counsel for the plaintiff.

10 MR. CHILDERS: Good morning, Your Honor.

11 Joe Childers on behalf of the plaintiff, Ramsi Woodcock.

12 I have with me Rima Kapitan and Gadeir Abbas who will be
13 the principal presenters here.

14 I would like to introduce the Court to my daughter, Rita
15 Childers, who is at Vanderbilt.

16 THE COURT: Ms. Childers, how are you?

17 Very good. Thank you.

18 On behalf of the defendants.

19 MR. BEAUMAN: Good morning, Your Honor.

20 For the University of Kentucky and the four named
21 university officials, Bryan Beaman and Carmine Iaccarino.
22 Also with me is William Thro, who is the general counsel at
23 the university.

24 THE COURT: Thank you.

25 MR. CLARK: Good morning, Your Honor.

1 Justin Clark with the Kentucky Office of the Attorney
2 General, here behalf of the Commonwealth of Kentucky.

3 THE COURT: Thank you. Mr. Clark.

4 Let's see. We have everyone identified who will be
5 participating. Thank you.

6 This matter is scheduled for a hearing on the plaintiff's
7 motion for injunction relief under Rule 65 of the Federal
8 Rules of Civil Procedure.

9 The parties have filed an initial brief in the case.

10 The defense have filed a response to the motion for
11 injunctive relief.

12 Then we have also had a motion to dismiss filed on behalf
13 of some of the defendants in this matter, together with a
14 motion for abstention by the court. I believe that there was
15 a response to the motion for abstention that was filed this
16 morning.

17 I will advise the parties that I don't intend to hear any
18 arguments on the motion to dismiss or the motion to abstain.
19 Although some of those issues raised in those motions may be
20 relevant to some of the issues the Court will be addressing on
21 the issue of injunctive relief, specifically the likelihood of
22 prevailing on the merits and perhaps whether the defendant has
23 suffered irreparable injury in the case.

24 So to the extent that those issues are relevant, you may
25 the certainly argue and address those matters, but I will

1 allow full briefing on those two latter motions, the motion to
2 dismiss and the motion to abstain.

3 With regard to the motion for injunctive relief, I have
4 reviewed the materials that the parties have filed and they're
5 quite extensive.

6 I do not intend to accept or allow any further briefing
7 on that issue. So as soon as we complete the argument today,
8 that matter will be taken under advisement for a
9 determination.

10 As we begin, I do want to ask the parties if either side
11 intends to present any testimony or evidence, other than what
12 has been submitted to this point.

13 Who will be addressing the matter on behalf of the
14 plaintiff in the case?

15 MS. KAPITAN: Yes, Your Honor. Rima Kapitan for
16 plaintiff.

17 If the Court would find it helpful, plaintiff does intend
18 to call three witnesses this morning.

19 THE COURT: You certainly may do so.

20 Based upon those witnesses, I don't know if the
21 defendants are aware of who they will be.

22 Mr. Beauman.

23 MR. BEAUMAN: We are, Your Honor. We have conferred
24 about that. I would not anticipate calling any additional
25 witnesses, but would reserve the right to see how the morning

1 goes.

2 THE COURT: All right. Thank you.

3 If the parties wish, you may present testimony at this
4 time. I will advise counsel that you can split up the
5 witnesses if you wish; but in terms of arguments, I will be
6 hearing from one attorney from each side.

7 So we'll begin with the presentation of proof.

8 Ms. Kapitan, you may present any witnesses you would like
9 to at this time.

10 MS. KAPITAN: Thank you, Your Honor.

11 MR. ABBAS: Your Honor, we would like to call
12 Professor Ramsi Woodcock to the stand.

13 THE COURT: Yes, sir.

14 MR. BEAUMAN: Your Honor, before, just out of
15 clarity.

16 THE COURT: Yes, sir.

17 MR. BEAUMAN: They had requested two witnesses on
18 behalf of the university. Dean Duff, who is the dean of the
19 College of Law school, and Ms. Sara Mudd, who is the executive
20 director of the Office of Equal Opportunity.

21 I would ask they be allowed to remain in the courtroom.
22 Mr. Duff is obviously a party defendant. And Ms. Mudd would
23 be corporate representative for the university.

24 Just want to address that now to be proactive with you
25 instead of waiting for any objection.

R. WOODCOCK - Direct Examination

7

1 THE COURT: All right. Any objection to Rule 615 in
2 the Federal Rules of Evidence?

3 MR. ABBAS: Your Honor, we don't have an opposition
4 to both, but we do have an opposition to Ms. Mudd staying in
5 the room. Ms. Mudd is not a defendant in this action. She
6 has not been designated as a corporate rep.

7 THE COURT: She just has been designated. Your
8 objection is overruled. She has just been designated.

9 MR. ABBAS: Yes, Your Honor.

10 THE COURT: All right. Thank you.

11 MR. ABBAS: Your Honor, should I stand there?

12 THE COURT: Yes, sir.

13 RAMSI A. WOODCOCK, PLAINTIFF, SWORN

14 THE WITNESS: Yes.

15 THE COURT: You may proceed.

16 DIRECT EXAMINATION

17 BY MR. ABBAS:

18 Q. Please state your name and spell for your name for the
19 record.

20 A. Ramsi Woodcock. R-a-m-s-i. W-o-o-d-c-o-c-k.

21 Q. What do you do for work, Professor Woodcock?

22 A. I'm a law professor.

23 Q. And how long have you been a law professor?

24 A. Gosh, let's see. I first started in 2012. So 13 years
25 or so.

R. WOODCOCK - Direct Examination

8

1 Q. And what is your academic expertise?

2 A. Well, I have published on antitrust and law and
3 economics, the ways of redistributing wealth in an efficient
4 fashion.

5 I have worked a good deal on what I call
6 inframarginalism, which is an economically sophisticated way
7 of doing law reform to redistribute wealth.

8 Lately I've become interested in international law
9 decolonization and specifically the context of Palestine.

10 Q. What classes at the University of Kentucky have you
11 taught?

12 A. I've taught -- I taught a business associations class. I
13 have taught contracts every year that I have taught at the
14 University of Kentucky. Antitrust law. Secured transactions
15 course, and a seminar in international law.

16 Q. You mentioned that you had a new interest in -- you said
17 "decolonization"; is that right?

18 A. Yes. That's right.

19 Q. About when did that interest emerge?

20 A. So I got tenure in 2022. And you know the way teaching
21 is structured at the College of Law, after you get tenure,
22 you're asked to pick up an additional course.

23 So at the time I had been teaching secured transactions,
24 antitrust and contracts and I thought, you know, it would be
25 interested to branch out and do something off beat, see if I

R. WOODCOCK - Direct Examination

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1 could apply my skills in law and economics to a new area.

2 And so I -- I picked up the seminar in international law.
3 And the way I like to teach seminars is sort of inspired by my
4 experience studying philosophy in undergrad. I like to teach
5 the whole seminar in a single book.

6 When I was a philosophy major, we would spend the whole
7 semester reading Hegel's Phenomenology of Spirit. So I looked
8 around for a single book that I could teach on international
9 law. And I found a great book of governmental legitimacy by
10 Brad Roth, who is a professor at Wayne State, and so I started
11 teaching that book.

12 And turns out that the law of governmental legitimacy was
13 completely transformed in the 20th century by decolonization.
14 And the reason was because a lot of colonies were formerly
15 parts of the metropolises, the -- the colonizer countries that
16 had taken control of them.

17 Algeria, for example, was formerly part of France. It
18 was a province of France. And so when you had these
19 resistance movements appear, they were essentially arguing
20 that they were the legitimate government, in contradistinction
21 of the government of France, for example.

22 And so this posed the question: How do we deal with the
23 legitimacy problem? And it was resolved by creating an
24 exception to the normal rules of governmental legitimacy
25 specifically for territories that are Western colonies.

R. WOODCOCK - Direct Examination

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1 And so it was through engaging with this question of
2 governmental legitimacy that I started to learn about the
3 profound impact on international law of decolonization in the
4 20th century, and that really sparked my interest in the
5 field.

6 Q. And so prior to getting tenure, prior to agreeing to
7 teach this international law seminar, you did engage
8 academically with the topic of Israel and Palestine, right?

9 A. No. Not at all. I think it is fair to say, like
10 virtually every other scholar in the United States, I viewed
11 it as a dangerous topic. It wasn't something that I wanted to
12 even pretend to think about; you know, lest, you know, I would
13 be suspended, banished, and investigated.

14 Q. And with regard to the contracts classes that you taught
15 at University of Kentucky School of Law, did the topic of
16 Palestine or Israel ever come up in any one of those contract
17 classes that you did?

18 A. No. Never.

19 Q. How about with regard to the antitrust classes? The
20 topic of Israel or Palestine ever come up by you or your
21 students in antitrust?

22 A. Never. You know, these are business law -- you know,
23 apart from the international law seminar, I teach business
24 law. Israel and Palestine just don't come up.

25 Let me add, students at the Rosenberg College of Law are

R. WOODCOCK - Direct Examination

11

1 not sort of, in my experience, don't go out of their way to
2 get into political arguments or bring up hot button -- hot
3 button issues.

4 So I think there are two reasons why it never came up:

5 One, the subject matter was inappropriate and second, we
6 have students who tend to avoid, you know, political conflict
7 in classrooms.

8 Q. And then you -- starting in 2022, that's when you taught
9 an international law seminar?

10 A. Yes. So, you know, it was the first time that I taught
11 it was in -- so I got tenure in 2022. And so it was 2022/2023
12 academic year was my first tenured year. And so I had to
13 teach four courses for the first time.

14 So I picked up an additional course in the spring and
15 that was international law seminar. So the first time I
16 taught it was in the spring of 2023. So that's before October
17 7th.

18 Q. And in the spring of 2023, in your international law
19 seminar inside the classroom, did the topic of Israel and
20 Palestine come up?

21 A. Yes. Actually to my surprise, there was a student who
22 wanted -- so the way the seminar is structured. We go through
23 the Roth book and students pick paper topics, and most of
24 their grade comes from producing a 25-page paper and then also
25 presenting that paper to the class.

R. WOODCOCK - Direct Examination

12

1 The second half of the semester, the students do their
2 presentations and then they submit their papers.

3 So one of my students chose do to Israel/Palestine. And
4 the subject of the paper is, Pick a country in the world in
5 which there's a question of governmental legitimacy, where
6 there is more than one regime claiming to be the legitimate
7 government. Write a paper about it.

8 So a student wanted to write about Palestine which, you
9 know, when you think about it, is sort of a natural choice.
10 But at the time I was surprised because I know it is a hot
11 button issue and most students want to avoid it.

12 Q. Were students free to pick any country and address the
13 legitimatization question that you were posing?

14 A. Yes, they were free to pick any country. We had Taiwan,
15 China. We had number of different disputes in Africa.
16 Students write about countries all over the world.

17 Q. Were there rules that you imposed on students about the
18 kind of view that they could take on the legitimacy of one
19 country or another?

20 A. Absolutely not. My -- my approach to teaching is
21 that students are always the free to take whatever substantive
22 position they want. They're graded on their ability to defend
23 their position, not on the substance of the position that they
24 take. That's very important to me.

25 Q. In the spring 2023 international law seminar, were there

R. WOODCOCK - Direct Examination

13

1 discussions in the classroom about Palestine/Israel?

2 A. No. No, there weren't, as far as I recall. You know, I
3 remember that the student -- all that I really recall from
4 that semester is the student's presentation.

5 And she seemed to really care very deeply about
6 Palestinian rights. And she gave a presentation that I
7 thought was sort of a little bit guarded on the subject; but,
8 you know, which conveyed that she cared deeply about the
9 issue.

10 Q. So other than this student's presentation on Palestine as
11 the subject matter, there weren't any other conversations
12 about Palestine?

13 A. Not that I recall and nothing has stood up thinking back,
14 you know, three years.

15 Q. With regard -- we'll just talk specifically about the
16 spring 2023 international law seminar.

17 With regard to that spring 2023 international seminar,
18 did you hear about any complaints made by students regarding
19 the topic of Palestine being presented by a student in class?

20 A. No.

21 Q. Did you hear from anyone -- students? Faculty?
22 Colleagues? Administration? -- regarding any complaint made
23 about you, your conduct, or anyone's conduct in that spring
24 2023 international law seminar?

25 A. Absolutely not.

R. WOODCOCK - Direct Examination

14

1 Q. Have you since heard, to date -- now let's go from today:
2 Have you ever, since that class finished, heard any complaints
3 from colleagues? From students?

4 A. With respect to that seminar? No.

5 Q. And then you taught the international law seminar again,
6 right?

7 A. Yes. I taught it again in spring of 2024 and again in
8 spring of 2025, this past spring.

9 Q. I'm going to ask a question: Was it a little bit
10 different in 2024 than it was in 2023, teaching international
11 law?

12 A. Interestingly not. You know, in terms of student
13 engagement or student interest, it was not markedly different.

14 I would say what was different was that I was learning.
15 So the first time that I taught the course -- and the first
16 time you teach a course, you're learning right along with your
17 students. And I was still learning about decolonization in
18 that history, the first time.

19 And then October 7th happened and, like a lot of scholars
20 around world, it became clear to me very quickly that Israel
21 was committing genocide and I started to think how can we
22 understand this better as scholars.

23 And I started to naturally try to connect it to what I
24 had been learning in international law and I asked the
25 question: Can we think about Israel in the way that we think

R. WOODCOCK - Direct Examination

15

1 about the 80 plus Western colonies that were brought to an end
2 in the 20th century that I had been learning about in teaching
3 my international law seminar.

4 And it -- immediately, it was clear to me that the answer
5 was yes, that there's a very close family resemblance. And
6 the more time I spent studying the history of decolonization
7 and learning about the other Western colonies that no longer
8 exist, the more I realized that there is really nothing
9 special about Israel as far as Western colonies go.

10 And everything that you see that Israel is doing, its
11 character, the arguments used to defend it, they're all --
12 they all have a precedent in the colonies that were brought to
13 an end in the 20 century.

14 And so my understanding started to grow over the fall of
15 the 2023. And so when I taught the course again in the spring
16 of 2024, you know, I was more interested in how governmental
17 legitimacy related to the question of Israel and Palestine.
18 But I don't recall it really affecting the way I taught the
19 course at all.

20 And, interestingly, there didn't seem to be any more --
21 any greater student interest in the question than the previous
22 year. Once again, I did have one student who wanted to do a
23 presentation on it, I believe; although, I don't really recall
24 specifically how that went, which I guess shows how
25 unremarkable it was.

R. WOODCOCK - Direct Examination

16

1 Q. So by the spring of 2024 you had this view that Israel
2 was a colony, and that -- and you had views about how colonies
3 end in general.

4 Were you also teaching any other classes alongside the
5 spring 2024 international law class? I'm sorry. October. In
6 October. That's right.

7 In the spring of 2024 international class, international
8 law, in that semester, what other classes were you teaching?

9 A. I was also teaching contracts. So in the spring I
10 always teach contracts. It is my 1L course. And then I teach
11 this international law seminar, and so I did that again in
12 spring of the 2024.

13 And, again, outside of international law seminar, Israel
14 and Palestine never came up in any of my courses.

15 Q. So your scholarly focus in the spring of 2024 were these
16 issues about Israel, Palestine, and decolonization, right?

17 A. Yes. By spring of 2024, the question of Palestine and
18 decolonization had really become my central research focus,
19 driven in part by the fact that we were watching the live
20 stream extermination of a population of 2 million people that
21 was going on all through that semester.

22 And, you know, like many scholars, one wants one's
23 research to be impactful in solving real world problems. I
24 felt this was one of most important issues that I could
25 contribute to as a law scholar.

R. WOODCOCK - Direct Examination

17

1 Q. How did your interest and attention in decolonization,
2 Israel/Palestine during the spring semester of 2024 impact, if
3 in any way, your teaching of the contracts class?

4 A. I don't think it had any impact.

5 Q. How about for the international -- did it have any impact
6 on the way that you taught the international law class?

7 A. I don't recall that it did at all. That -- nothing
8 stands out to me at all about this spring of 2024
9 international law seminar, to be frank. You know, other than
10 that, I think that I had a particularly smart group of
11 students that semester.

12 Q. When was the first time you ever publicly aired your
13 academic conclusion about Israel and its legitimacy?

14 A. That's a good question. So I did post some of my views
15 to social media in the fall of 2023, early 2024.

16 But, you know, I would say sort of the first important
17 moment when I started to talk about my research conclusions
18 was in February or March of 2024 when I -- I believe it was
19 March when I did a faculty research seminar at the College of
20 Law on a work-in-progress paper, which was titled The Law and
21 Economic Argument for Dismantling Israel.

22 And we had these faculty research seminars at the College
23 of Law where faculty present their works in progress. I was,
24 at the time, the chair of the committee that organizes those,
25 so I think that I put my paper on the agenda and I circulated

R. WOODCOCK - Direct Examination

18

1 an abstract of the paper to the faculty listserv, which is
2 customary before these events to circulate an abstract of the
3 paper, a handful of faculty were in attendance at the seminar.

4 We had a nice -- there were some students. We had a nice
5 discussion on the question of, you know, whether law and
6 economics supports a right to exist for the state of Israel.

7 And so that was really the first moment that I went
8 public as a scholar with my view.

9 Q. And we'll get to July 2025.

10 But before July of 2025, did you express your views about
11 decolonization, about Israel and Palestine ever come up in any
12 of the classes that you taught?

13 A. No.

14 Q. Did it ever come up in the conversations that you had
15 with administrators about the execution of your duties?

16 A. No. In spring of 2024, I did post -- I have a personal
17 blog and I posted to my personal blog a statement of my view
18 as a law professor that I oppose Israel.

19 This is around the same time that I gave the faculty
20 research paper and I circulated -- I posted that statement, I
21 think in March, to my personal blog.

22 And a little bit later that semester, I sent the
23 statement to the faculty listserv and I encouraged my
24 colleagues to join the statement because I felt very strongly
25 that, as law professors, our duty, our job is to study

R. WOODCOCK - Direct Examination

19

1 justice. And the worst thing that you can do, from the
2 perspective of justice, is commit colonization and genocide.
3 And if our nation is sponsoring that, we have a professional
4 duty to speak up about it.

5 And I invited my colleagues on that basis to join me in
6 making a statement of opposition to the existence of Israel
7 and support for bringing Israel to an end.

8 Q. Were you trying to convince your colleagues of your
9 viewpoint?

10 A. Yeah. I was trying to convince my colleagues of my
11 viewpoint and encourage them to join me because I felt that
12 the credibility -- and I continue to feel -- that the
13 credibility of our profession as law professors is at stake
14 here.

15 I mean, if you think about a Palestinian kid, a bomb has
16 just been dropped on his family, he sees them flattened
17 between two slabs of concrete, their legs are sticking out,
18 but nobody can -- there is no excavator who can pull them out.

19 He's sitting there looking at their bodies. Picks up a
20 piece of shrapnel, it says "Made in Ohio." That's where the
21 bomb was made.

22 If he -- if he could be here and watch us going about our
23 day as law professors, teaching about justice, talking about
24 justice, reading the Constitution, going to conferences,
25 talking about justice, and never once mentioning what our

R. WOODCOCK - Direct Examination

20

1 country just did to his family.

2 I mean, it would be inconceivable for him. You know, it
3 would be -- it would be impossible for him to understand how
4 we as -- as law professors can go on like that.

5 Q. Let me --

6 A. That was what I was trying to talk to my colleagues
7 about.

8 Q. Has any of your colleagues tried to convince you of
9 something that you find repugnant?

10 A. Of something that I find repugnant?

11 Q. Yes.

12 A. Yes.

13 Q. Is that -- is that common and typical in University of
14 Kentucky for professors to disagree?

15 A. Yes. It's common and typical. It is common and typical
16 throughout the legal professorial, legal academia to debate
17 with folks whose positions you find repugnant.

18 I believe very strongly in the redistribution of wealth
19 in an efficient manner. I've devoted much of my career to
20 argue ways in which we can redistribute wealth while still
21 growing the economy.

22 I find the notion that we should live with inequity to be
23 repugnant. And yet, I would say easily more than half of my
24 colleagues hold contrary views and we debate these questions
25 all the time.

R. WOODCOCK - Direct Examination

21

1 MR. ABBAS: Your Honor, I would like to introduce an
2 exhibit and provide it to the witness. It's already part of
3 the record.

4 Can I approach?

5 THE COURT: Yes, sir. Please watch your step.

6 Can you identify where in the record it might be located?

7 MR. ABBAS: Yes, sir. It's Docket 19-3. Pages 282
8 and 283. It's the July 22nd, Notice of Investigation.

9 THE COURT: Thank you.

10 BY MR. ABBAS:

11 Q. Professor Woodcock, at some point you learned that the
12 University of Kentucky had a problem with something that you
13 said, right?

14 A. Yes.

15 Q. Do you -- tell me about that.

16 How did you first learn that the University of Kentucky
17 had a problem with something that you said?

18 A. Well, I was sitting in my home office and I got an email.
19 I think it was from Defendant Thro informing me that I was
20 being placed under investigations for violation of Title VI by
21 the university.

22 A few minutes later, I received an email from Defendant
23 Duff telling me I was banned from the law building and that I
24 was suspended from teaching, and I think that I have the order
25 correctly.

R. WOODCOCK - Direct Examination

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1 And then a few minutes after of that, I received a
2 campus-wide email from the president of the university,
3 Defendant Capilouto, accusing me of expressing hate, harboring
4 repugnant views, and wanting to destroy a people based on
5 national origin.

6 Q. Do you want to destroy a people based on national origin?

7 A. No.

8 Q. So at the same moment you received three communications
9 from three different people regarding your expression of your
10 views, right?

11 A. Yes, that's right.

12 Q. Okay. All right. Let's talk about -- and one of the
13 things that -- and you also got this notice of investigation
14 that we're looking at here on pages 282 and 283?

15 A. Yes. So this -- you know, this arrived a few days later.
16 So the emails that I just described are July 18th. This is
17 July 22nd. There's a beginning. If it was a Friday, it was
18 July 18th, so this was the following week I received this
19 notice from the investigator that the university had hired.

20 Q. So prior to being informed that you were being suspended
21 and banned from the law school building, you didn't have this
22 document that we're looking at?

23 A. I did not. No. No. I did not have it until several
24 days after the announcement of the ban, suspension, and
25 investigation.

R. WOODCOCK - Direct Examination

23

1 Q. So I want you to take us back to before July 22nd, before
2 receiving this notice of investigation.

3 Based on the communications that you had received, what
4 was your understanding of what it was that they had a problem
5 with?

6 A. So what was referenced, my understanding came really from
7 President Capilouto's email to the community, which referenced
8 a Petition for Military Action Against Israel.

9 I mentioned in the spring of 2024 I had circulated a
10 statement of opposition to Israel to my colleagues, invited
11 them to join me in signing it. Unfortunately, they chose not
12 to.

13 And in the fall of 2024, as the genocide was moving into
14 its second year, it became increasingly clear to me that calls
15 for a ceasefire or for an embargo were morally, in my view,
16 morally repugnant because not proportionate to what we were
17 actually viewing unfold in the front of our eyes, which was an
18 extermination of a population of 2 million people.

19 And so when one watches -- the normal response to an act
20 of extermination is to take up arms to stop it immediately.

21 And I did some research into genocides in the
22 20th century, and to my horror I learned that no major -- no
23 20th century genocide came to an end other than through
24 military intervention from outside or a completion.

25 And we were watching a live steam genocide. The choice

R. WOODCOCK - Direct Examination

24

1 we had was military intervention or allowing it to come to
2 completion.

3 And so I put together a petition, which was directed
4 toward my law professor colleagues around the United States
5 calling for immediate military action to stop the genocide and
6 to bring the colony to an end, consistent with the way that we
7 have treated Western colonies throughout the 20th century.

8 I circulated the petition online and on social media in
9 fall of 2024. And the initial version was on my personal
10 website.

11 I then rewrote it a little bit and posted it to a new
12 initiative that I had started, The Antizionist Legal Studies
13 Movement, and to that website in, I think it was November of
14 2024. So it had been up there for more than six months by the
15 time we got to July.

16 And so the reference in President Capilouto's
17 communication was, appeared to me, to be to the petition that
18 I had circulated to law professor colleagues in the United
19 States.

20 So that's what I thought it was before I got this notice.

21 Q. You mentioned the Antizionist Legal Studies Movement.

22 Do I have it right?

23 A. Yes, that's right.

24 Q. And you call it the Antizionist Legal Studies Movement.

25 What do you -- what do you mean? Why are you using the word

R. WOODCOCK - Direct Examination

25

1 "movement"?

2 A. So this is a great question.

3 So in spring of 2024, as I was going public with my
4 views, I -- I belong to my -- I am interested in
5 redistribution of wealth, so I would classify myself as a
6 progressive law and economic scholar.

7 And there is a group of adjacent scholars who are
8 interested in redistribution of wealth, but who, in my view,
9 don't do it with the kind of economic sophistication that they
10 ought to have.

11 But they're called the Law and Political Economy
12 Movement, and they're generally run out of Yale, which has a
13 Law and Political Economy Project.

14 They had sold -- they had sort of marketed themselves for
15 the past few years as being these sort of radical lefties.
16 And so I had expected that when Israel starting committing
17 genocide, that they would say something about it, and they
18 didn't.

19 And I and a few other law professors around the country
20 were sort of upset that this group that had sold itself as
21 this radical group of law professors wasn't saying anything
22 about their country committing genocide through Israel.

23 So in spring 2024 we wrote letters and emails to the Law
24 and Political Economy Project organizers at Yale saying you
25 have to start talking and writing or thinking about Palestine.

R. WOODCOCK - Direct Examination

26

1 They have a blog that is very influential called the Law
2 and Political Economy blog. And, you know, first they said,
3 well, yes or no, finally they agreed to accept a package of
4 blog posts that we had put together. A number of notable
5 scholars had written things about Palestine and sort of put
6 this package together and sent it to them to publish.

7 And, you know, there were six posts, and they chose four
8 that expressed criticism of Israel.

9 But two posts, one by me and one by a scholar at the
10 University of Toronto, called Israel's right to exist into
11 question. And those two posts were rejected by the Law and
12 Political Economy blog.

13 It was at that point that I realized that there was no
14 intellectual space in the legal academy in the United States
15 to have a frank discussion about whether Israel should
16 continue to exist given its character as a colony.

17 Q. Was it your intention to try to create that
18 Antizionist --

19 A. That's exactly right. So I created the Antizionist Legal
20 Studies Movement really modeled on the Law and Political
21 Economy Movement and the Law and Political Economy Project at
22 Yale. But to be a space where we could actually speak frankly
23 about the colonial approach to understanding Israel and
24 Palestine and what the resolution to that should be.

25 Q. Professor Woodcock, let me draw your attention to the

R. WOODCOCK - Direct Examination

27

1 second exhibit page of the exhibit that you have in front of
2 you.

3 It's that third bullet -- that last bullet point that
4 says, "You allegedly are using the university's resources to
5 circulate an online petition, Petition for Military Action
6 Against Israel."

7 Do you see that you?

8 A. Yes, I see it.

9 Q. What does, if anything, your Petition for Military Action
10 Against Israel have to do with the law?

11 A. I'm sorry. With what?

12 Q. With the law.

13 A. With the law?

14 Q. Yeah.

15 A. Well, so, you know, the basis for my argument that Israel
16 should be brought to an end has to do with the norm against
17 colonization that was generated in the 20th century, and which
18 I would describe as kind of an emerging norm of international
19 law. So there is that connection.

20 There is also the fact that Israel is committing
21 genocide.

22 So there is number of international law doctrines, such
23 as the Responsibility to Protect. We call it R2P, which
24 imposes a duty on nations to intervene militarily to stop a
25 genocide while it is unfolding.

R. WOODCOCK - Direct Examination

28

1 Q. This doctrine, the Responsibility to Protect doctrine,
2 are you aware of your colleagues in academia applying that
3 doctrine to be invoked with regard to other countries?

4 A. Yes. I mean, the doctrine -- whenever there is an
5 unfolding genocide, the doctrine comes up and is -- and is
6 discussed.

7 We have right now another horrific extermination that is
8 going on in Sudan. And the question of responsibility to
9 protect comes up with the respect to that conflict as well.

10 Q. What other recent examples are there of debates in
11 academia about the application of Responsibility to Protect
12 doctrine with regard to countries that aren't Israel?

13 A. Oh, I think this question of the duty to intervene to
14 stop a genocide comes up. It is discussed and emerged out of
15 the question the Rwandan genocide, the Bosnian genocide.

16 Obviously, the horrific precedent of the holocaust is a
17 context in which we talk about this duty as well.

18 Q. In your Petition for Military Action Against Israel, are
19 you calling for violence against any particular person?

20 A. No. I'm not.

21 Q. Are you calling for violence against any particular group
22 of people?

23 A. No. I'm not calling for violence against a group of
24 people. I'm calling for the bringing to an end of a state.

25 Q. And let's say there was somebody in your contracts class

R. WOODCOCK - Direct Examination

29

1 last semester or the semester before, that had the opposite
2 view that you did, that Israel should continue to do what it
3 like.

4 Would you grade that student any differently?

5 A. No. You know, the way I approach the question of
6 substance, not just with respect to Palestine/Israel, but any
7 question is: I grade students on the ability to defend the
8 position that they choose, not on the character of the
9 position.

10 Q. Okay. And let's go to the bullet point right above it on
11 page 283 that reads, "You allegedly spammed and are spamming
12 listservs, including the Association of American Law Schools
13 listserv, which you have access to as a University of Kentucky
14 law professor, with your personal viewpoints concerning the
15 Israeli/Palestinian conflict."

16 Do you see that?

17 A. Yes, I see that.

18 Q. I want to divide your academic work into two pieces. So
19 the academic work that does not regard Palestine or Israel in
20 any way, have you ever shared on the Association of American
21 Law Schools listservs information about your law economics
22 academic work that does not regard Palestine in any way?

23 A. No, I haven't. Actually, the way that I got -- I -- I
24 had not been on those listservs until early 2024. So as my
25 interest in Palestine grew, one of the things that I did to

R. WOODCOCK - Direct Examination

30

1 learn more where the conflict was, I organized a panel
2 discussion at the Association of American Law Schools annual
3 meeting in January of 2024 on the subject of the war in Gaza.
4 I served as the moderator, so I didn't speak at the panel.
5 But I brought together experts who I was interested in
6 learning from.

7 So Brad Roth, who wrote the book on governmental
8 legitimacy that I teach, had actually also published on
9 Palestine. His view is that there needs to be just one
10 unitary state. He was at the panel. He spoke.

11 We had a -- I don't recall his name -- a professor at the
12 University of Chicago who came and took the position that
13 Israel doesn't have any responsibility toward the population
14 in Gaza.

15 We had a professor at Boston University who came and
16 talked about the right of return of Palestinians that's
17 guaranteed under international law.

18 And we had a very interesting fellow, a Professor
19 Quigley, at Ohio State, who is the father of Palestine studies
20 in the United States. He's written about a dozen books on the
21 law surrounding Palestine. I believe he's in his 80s. Very
22 interesting fellow. He came also and participated on the --
23 on the panel.

24 And as we were organizing the panel, one of the AALS
25 administrators said to me, Hey, we have actually been having

R. WOODCOCK - Direct Examination

31

1 this really active interesting debate about Israel and
2 Palestine on the Women in Legal Education online discussion
3 group that is hosted by AALS on the AALS website. I'm going
4 to put you in the group so that you can anticipate the kinds
5 of questions that you might receive as a moderator at the
6 panel. So she put me on there.

7 And once I -- I didn't know these groups existed -- and I
8 started to read these ongoing discussions on Israel and
9 Palestine that the women in legal education group was having.

10 Q. Tell me a little bit about the -- so when you get added
11 to this AALS listserv, this is the first time you are seeing
12 the exchanges among professors on this listserv, right?

13 A. Yes, that's right.

14 Q. Where did you figure out what was acceptable to exchange
15 on the listserv and what wasn't?

16 A. Just from watching the actual conversations that were
17 taking place.

18 Q. Did you see people expressing their views about hotline
19 political issues?

20 A. I mean, I have to tell you: These can be very animated
21 discussions. Some of these law professors were calling each
22 other racists. And I mean, these were heated debates.

23 But they were -- they were always scholarly, right? It
24 wasn't -- when one professor would call the other a racist, it
25 was, you know -- this may sound little bit strange -- but it

R. WOODCOCK - Direct Examination

32

1 was kind of the scholarly definition of racist.

2 There was -- this is a heated, emotional back and forth;
3 but the kind of emotional back and forth that you would expect
4 from experts and professors. It was just absolutely
5 fascinating to read the conversations.

6 Q. Were you doing anything on the AALS listserv that you
7 weren't seeing other professors do?

8 A. Anything that I did?

9 Q. Yeah.

10 A. No. Nothing. You know, and I didn't -- I didn't
11 participate. I don't think I started posting until spring of
12 2025. So I was just lurking, as they say, watching these
13 debates unfold for really more than a year before I actually
14 kind of dipped my foot in and started participating a little
15 bit.

16 Q. Yeah. Let's talk about that top bullet point on
17 page 283, about the George Mason University Law Review
18 Antitrust Symposium on February 23, 2024.

19 Do you remember that panel?

20 A. Yes, I do. Very well.

21 Q. Okay. And you were invited to come onto that panel?

22 A. Yes, that's right.

23 Q. Did you need anybody's permission at the University of
24 Kentucky to accept the invitation to speak at the George Mason
25 University Law Review Antitrust Symposium?

R. WOODCOCK - Direct Examination

33

1 A. No. One doesn't need permission to participate in a
2 conversation. If you want to get the university to fund the
3 travel, you have to submit a travel funding request.

4 But I'm almost 100 percent sure -- in fact, I'm sure --
5 it was George Mason that paid my way on this, for this
6 conference. I didn't submit a travel request for this one.

7 Q. So you didn't have any interaction at all with University
8 of Kentucky about approving your travel or your attendance at
9 the George Mason University?

10 A. No, I didn't. Not that I recall.

11 Q. And did the University of Kentucky weigh in on what you
12 were going to say at the antitrust symposium before you went?

13 A. No.

14 Q. Did you have -- did you have an obligation to share with
15 anybody at the University of Kentucky what you planned to say
16 at the antitrust symposium at George Mason University?

17 A. No. No. That's not the -- that's not the custom, either
18 at the College of Law here at the University of Kentucky nor
19 at any law school, as far as I know.

20 Q. When you were at the George Mason University Antitrust
21 Symposium and you heard from other scholars there, would they
22 identify what university they were affiliated with?

23 A. I don't think that -- the way it usually works at
24 conferences is you don't sort of go up to the podium and say,
25 I'm a professor at X place.

R. WOODCOCK - Direct Examination

34

1 Usually the organizers will put in the conference
2 program, or they will give you a name tag. It will say at the
3 bottom what school you are affiliated with.

4 Q. Did you -- when you would see, when you would learn of
5 the organizational affiliation of the professors that were
6 presenting, did you have the impression that they were
7 speaking on behalf of the institutions that employed them?

8 A. No. Absolutely not. No one thinks that at conferences.
9 I mean, the idea would be absurd.

10 Let's say my, in my antitrust work, if I take the
11 position that a particular company needs to be broken up,
12 General Motors is too big. It has an antitrust problem that
13 needs to be broken up. Nobody thinks that the University of
14 Kentucky is taking the position that General Motors should be
15 broken up. That would be absurd.

16 Q. What was the topic of your presentation at the antitrust
17 symposium?

18 A. So this was a discussion panel, so I wasn't presenting a
19 paper. But the discussion -- the title of the discussion
20 panel was something like antitrust and privacy.

21 Q. And at some point in the presentation you raised the
22 topic of Israel and Palestine, right?

23 A. Yes. That's right. I mean, as we discussed earlier,
24 I -- I view our profession as being in a professional crisis
25 right now, of -- of having a crisis of authority. Because we

R. WOODCOCK - Direct Examination

35

1 have stood silent as our country as sponsored a campaign of
2 extermination in Gaza.

3 Some estimates put the real number of dead at nearly
4 700,000 human beings. And as a profession, we have been
5 almost completely silent.

6 And so when I went to that conference, I thought, how
7 could I possibly get up and speak about antitrust and privacy
8 and not acknowledge that my country's committing the supreme
9 crime of genocide through Israel. It is something that, as a
10 lawyer and a law professor, I have to acknowledge when I give
11 remarks.

12 And this is -- you'll recall that this was before a
13 ceasefire was announced. So I, at the beginning of the
14 presentation, of my time to speak, I said very briefly that I
15 want to acknowledge that this is not, you know, our conference
16 isn't taking place in a bubble and, you know, our country is
17 sponsoring an extermination campaign through the colony that
18 we maintain in Palestine called Israel, and I oppose -- I
19 oppose the killing.

20 Q. And about the how long was that point? How long did it
21 take you to make that point?

22 A. It was probably about 30 seconds. After the fact I found
23 out -- after all of this started, I discovered that George
24 Mason had actually put a video of the panel on YouTube and
25 it's been there for the past year, and my remarks are right

R. WOODCOCK - Direct Examination

36

1 there. So I went back and reviewed it. I think it was about
2 30 seconds.

3 Q. Your remarks at the George Mason Law Review Antitrust
4 Symposium have been publically available on the Internet for
5 more than a year?

6 A. Yeah. George Mason put them on the Internet.

7 Q. What? Prior to July of 2025, what, if any, reaction did
8 you get from of the comments at the George Mason University of
9 Law Review Antitrust Symposium that were posted online?

10 A. No. I didn't get any reaction.

11 Q. And what happened after you finished making this remark
12 about Palestine at the George Mason University Antitrust
13 Symposium?

14 A. I went on to answer the questions relating to antitrust
15 and the privacy that had been posed to me by the moderator. I
16 think that we had a great discussion on antitrust and privacy
17 that lasted about an hour. Lots of questions. Judge Ginsburg
18 from the D.C. circuit asked me a question. I thought I gave
19 him a good answer.

20 Q. What did he ask you?

21 A. I'm sorry?

22 Q. Do you remember what he asked you?

23 A. Gosh, I don't remember off the top of my head.

24 Q. It wasn't about Israel and Palestine?

25 A. No, it wasn't. It was about law and economics and

R. WOODCOCK - Direct Examination

37

1 privacy and antitrust.

2 Q. And you engaged with him on that topic?

3 A. Yes.

4 Q. All right. This on 282. That bottom-of-the-page bullet
5 point, it mentioned the Chinese University of Hong Kong
6 conference.

7 Do you remember that? In May of 2025?

8 A. Oh, yes. I remember it well.

9 Q. Okay. You also made some prefatory remarks about
10 Palestine at the Chinese University of Hong Kong?

11 A. Yes. For the same reason. In fact, I felt it was even
12 more important to make those remarks in Hong Kong where I was.
13 I represent, I mean, I'm -- I'm an American, right? And not
14 everybody at that conference is American. I'm very well aware
15 of the way the rest of the world views our sponsorship of
16 colonization in Palestine.

17 And I spoke about my opposition to colonization and
18 genocide, to the existence of the colony, to the continuation
19 of the genocide.

20 That statement was substantially the same as what I said
21 at George Mason, same length, and then I went ahead and gave a
22 paper.

23 That is a panel on, I think, platforms. It's -- the
24 conference was on sort of law and technology and the panel was
25 devoted to platforms, and my paper I think was titled Outline

R. WOODCOCK - Direct Examination

38

1 of a General Theory of Antitrust. So I gave my paper on that.

2 And then we had I think two others panelists present, and
3 then the floor was open to questions. We had, gosh, maybe
4 20 minutes of questions.

5 The organizer of the conference at Chinese University of
6 Hong Kong asked me a long question. I answered it about my
7 paper.

8 And then, sort of towards the end of the question period,
9 there was a -- somebody stood up and started attacking me
10 personally. It was -- I don't remember exactly what he said.
11 But it was something -- it was, he was attacking -- he was
12 attacking me personally. He was calling me a terrorist or
13 equivalent of calling me a terrorist.

14 And I remember telling him that the responsibility to
15 protect requires that nations initiate military action to stop
16 a genocide. He continued attacking me.

17 Rather than, say, this is inappropriate to launch
18 personal attacks, I tried to kind of steer it to substance.
19 So I said, Israel is a colonization project that practices
20 apartheid and is committing genocide. He continued to attack
21 me, so I repeated that.

22 And there was a kind of like a -- like a contest of
23 wills, you know, where he was attacking me and I was repeating
24 that phrase trying to get it back on track.

25 And then, after maybe a minute or a minute and a half, he

R. WOODCOCK - Direct Examination

39

1 stopped. And he said, "Can I just ask a question?" And I
2 said, "Yes," and then he asked a question of another panelist
3 about their paper and the panelist answered. The question
4 session continued, and then the panel ended without event,
5 further event.

6 Q. After about a minute or so, the disagreement between you
7 and the audience member had past?

8 A. Yeah. Oh, and I forgot. He also -- I mean, he was
9 standing up. He was angry. He was shouting. People in the
10 audience are telling him to quiet down. At one point, he
11 seemed to swear at me in Hebrew. I mean, I don't speak
12 Hebrew, so I don't know what he said. But he said something
13 angrily at me in Hebrew. So it was a tense moment.

14 Q. Did you perceive his comment as engaging with what you
15 said in an academic kind of way with --

16 A. No. He was making a personal attack. You know, I love
17 debating at an academic level. I love debating about
18 Palestine and Israel. We had amazing debates on the AALS
19 discussion forums about the Israel's right exist with folks
20 who are totally supportive of Israel.

21 And there was one professor from University of Texas who
22 was arguing that it was unfair that Israel wasn't allowed to
23 also colonize Syria and Lebanon. Had a really great debate
24 with her. I think it's Professor Weinberg.

25 I love debating these issues. He was not interested in

R. WOODCOCK - Direct Examination

40

1 debating. He was attacking. And as soon as he said, I just
2 want to ask a question, you know, go ahead ask your question.

3 Q. Okay.

4 MR. ABBAS: Your Honor, we're wrapping up, just maybe
5 about ten more minutes.

6 BY MR. ABBAS:

7 Q. A few months later, you got another letter with some
8 additional allegations against you, right?

9 A. Yes, that's right. In early September --

10 Q. Yeah.

11 A. -- there was a letter of additional allegations.

12 Q. One of them was about comments that you made at a campus
13 event.

14 Do you remember that?

15 A. Yeah. Actually, when I first read it, I had to think for
16 a while, to try to figure out what it was referring to. But
17 it was an event where -- so there's a backstory to this, which
18 I think is important.

19 So in fall of 2023 there were a number of, you know,
20 students, law students who were very upset about what Israel
21 was doing, and they tried to send an email to the student
22 listserv calling upon their classmates to call their
23 congressmen to urge them to, you know, to call upon Israel to
24 urge President Biden to stop funding genocide, in effect.

25 And the university prevented the students from sending

R. WOODCOCK - Direct Examination

41

1 that email.

2 I was the chair of the Community and Engagement Committee
3 and normally these kinds of matters get funneled to us. If
4 the students want to do something, they're very upset about an
5 event, you know we're supposed to kind of handle this.

6 But for some reason, nobody talked to me about it. I
7 only found out about it -- I think this transpired at the
8 beginning of December. I only found out about it right around
9 Christmas when a distraught student sent me an email saying
10 she was of afraid to speak, but her conscious required that
11 she let me know about what had happened with the student email
12 being blocked.

13 And so I reached out to Assistant Dean, Danny Murphy, who
14 she had said had been involved in doing this.

15 And I said, what's is the whole -- what happened here
16 with these students? He said, Well, we can't -- because it
17 was calling for, asking people to call their congressmen,
18 that's kind of related to politics. We can't let students use
19 the listserv for that purpose.

20 And then he went on and he said and, you know, the
21 university had convened some kind of high-level working group
22 to discuss how to handle the problem of the genocide in Gaza.
23 And they had come to the conclusion that there can't be any
24 campus events in opposition to what's going on unless they
25 provide both sides.

R. WOODCOCK - Direct Examination

42

1 And I never actually saw this policy in writing. He may
2 have discussed it with me one more time. But it was never
3 presented to me as like a direct order from anyone. It was
4 just like, Hey, I want to give you the head's up that this is
5 what -- this is what the high-level folks somewhere have
6 decided is how things should happen.

7 So I didn't know how to handle this. But the way -- my
8 first instinct was to say, you know, these students feel that
9 they need to speak up against genocide because, you know, we
10 shouldn't just leave it for them to speak against genocide,
11 because they're the most vulnerable people in our community.
12 If a student speaks against genocide, they could get in
13 trouble. They could get suspended.

14 We had campus protests started in the spring. Students
15 were getting beaten up by security, not on our campus, but in
16 other schools.

17 So I said to myself, we as faculty, particularly tenured
18 faculty, who believe that what is going on is morally wrong
19 have a duty to speak so that students don't get themselves
20 into trouble speaking.

21 And so that was in part of my reasoning in sending a
22 statement to the faculty, urging the faculty to oppose Israel
23 was that I felt that we, as tenured faculty, who are some of
24 the safest people at the university should be the ones doing
25 the talking, not these vulnerable students. And so but that

R. WOODCOCK - Direct Examination

43

1 was one of the ways I approach it.

2 But another way, another member of the committee said
3 Gosh, this is a huge First Amendment violation. If, in fact,
4 the university's pursuing a policy of requiring both sides,
5 that violates basic constitutional rules regarding compelled
6 speech.

7 And so we, as a committee, a Community Engagement
8 Committee, sat down and had a discussion. How do we do this?
9 We think that the university has this both-sides policy. We
10 don't know for sure, which would be unconstitutional, what do
11 we do? Do we write a letter to the general counsel's office?

12 So what we decided is, as a committee, really, the only
13 thing that we were -- that was within our remit, would be to
14 organize a campus event -- because we normally organize
15 discussion forums in all sorts of topics related to the
16 community -- we're going to organize a campus event on free
17 speech on campus.

18 And, you know, this other member of the committee had a
19 friend who was an expert litigator on campus free speech
20 issues. He's now actually lead tech counsel at the Foundation
21 for Individual Rights and Expression. So we invited him to
22 come to campus to talk about free speech on campus.

23 And we said what we would do is tell him what the
24 university policy appeared to be and ask him if that was, in
25 his view, constitutional.

R. WOODCOCK - Direct Examination

44

1 And so he came to campus. I think it was in November of
2 2024. You know, the event was not well attended,
3 unfortunately, but it was an official committee, Community
4 Engagement Committee event. We paid for his flight. He came.

5 And at the event, I did what we had decided we would do,
6 which is we would ask him whether what the university --
7 whether this policy, if it existed, would be constitutional.

8 And so I asked him. I said, in effect, what the
9 university is saying is if you have a both-sides policy, means
10 if you have an anti-genocide event, you have to have a
11 pro-genocide perspective. What do you think? Is that
12 constitutional?

13 Q. What did he say?

14 A. He said, no. I mean, he almost fell off his chair. He
15 said something like, Gosh, I really wish universities would,
16 you know, instead of coming to us and asking for forgiveness
17 later, I wish universities would just not violate the
18 Constitution upfront is basically what he said.

19 Q. When you asked this question, were there University of
20 Kentucky students present?

21 A. Yeah. It was a very sparsely attended event. But yes.
22 I think there were a few students and there were a few
23 faculty.

24 Q. Were any of those students or faculty required to be
25 there?

R. WOODCOCK - Direct Examination

45

1 A. No. This is -- these are kind of discussion forums. It
2 was a lunchtime discussion forum. I think we had some food.
3 And it's, you know, if you want to come, you come; if you
4 don't want to come, you don't have to come.

5 Q. After you asked the question and the speaker gave an
6 answer, what happened?

7 A. Nothing. The question -- I asked the question towards
8 the end of the event. I think there might have been one more
9 question, and then the event ended. That was it. It was an
10 uneventful event, if that makes any sense.

11 Q. One more event and then we'll wrap up.

12 I understand that there is a something called
13 Professor Woodcock's Day Off; is that right?

14 A. Yes.

15 Q. Is that a movie reference?

16 A. It is. It's a reference to Ferris Buler's Day Off.

17 Q. So tell me about how you came to do Professor Woodcock's
18 Day Off.

19 A. So there's a student group that holds an auction every
20 spring to raise money for public interest law.

21 Q. So this is a student group.

22 Is it run by the students themselves?

23 A. I believe so. You know, it's always a student who
24 reaching out to me. To be perfectly honest, I have no idea
25 what the sort of provenience of this group is. I just know

R. WOODCOCK - Direct Examination

46

1 that, like, every spring a student will reach out to you and
2 say, Do you want to auction an event for students? And you
3 say yes or no.

4 If you say yes, you describe the event.

5 So one year -- I participated in it I think once before.
6 So one year it was like a game night. So students would come
7 over to your house and you would, you know, play board games,
8 and you give them dinner.

9 And last year I thought it would be fun to do something
10 kind of like Ferris Buler's day off. So the idea is we would
11 go to a museum Louisville. We would go see some sites in
12 downtown Cincinnati. We would go to breakfast together,
13 lunch, and then we would have dinner with my wife and my
14 four-year-old.

15 So that's what we did. We got together. It was at the
16 end of spring break. I think four students -- so the students
17 bid. The money they pay goes to public interest and, you
18 know, the attraction of this for students is that you get to
19 know your professor in private life. You get to know them as
20 a human being and not as the professor that you have to have
21 this distance from.

22 And so we met for breakfast. I think it was at the 21C
23 across the street. I took them to the, you know, the big art
24 museum in Louisville; then we went from Louisville to
25 Cincinnati and we went to the park.

R. WOODCOCK - Direct Examination

47

1 And, you know, we were in -- driving to the restaurant
2 with my wife in downtown Cincinnati. We were stopped at a
3 crosswalk and, to my great amazement and delight, I saw two
4 men crossing the street who were wearing keffiyehs, a
5 Palestinian scarf; and which has become something of a kind of
6 a Palestinian symbol.

7 And so I said "Free Palestine" to them, and that was it.
8 I don't recall the students -- the students were in the car
9 with me. I had rented a minivan so I could drive them around,
10 and I don't recall any student mentioning it, and that was it.
11 That was the event.

12 Q. Other than when you said "Free Palestine" to the people
13 in the crosswalk downtown, how many other times did Palestine
14 or Israel come up during Professor Woodcock's Day Off?

15 A. I've been asking myself that question. I don't have a
16 recollection of it coming up at all, at any other moment
17 during that day.

18 Q. And when you -- when you said "Free Palestine" to the
19 people in the crosswalk, had you planned to say Free Palestine
20 to them ahead of time?

21 A. Oh, no. It was just a spontaneous expression of delight
22 to see this symbol because you don't see a lot of
23 pro-Palestine symbols in -- in and around this region -- so I
24 just thought it was nice.

25 Q. And when you said "Free Palestine," were you trying to

R. WOODCOCK - Direct Examination

48

1 indoctrinate the students that you were with?

2 A. Oh, no. I wasn't thinking of the students at all, to be
3 frank. I was communicating with these men. I wasn't
4 communicating with the students. The students were in the
5 back of the minivan. I was in the driver's seat.

6 Q. Was there any subsequent interaction between you and the
7 students after you said "Free Palestine" about what you had
8 said to those people in the crosswalk?

9 A. I don't recall the students asking me about it or
10 commenting about it at all.

11 Q. What did you mean when you said "Free Palestine" to the
12 people in the crosswalk downtown?

13 A. Well, "Free Palestine" means different things to
14 different people. For me, it means bringing the state of
15 Israel to an end.

16 Q. Were you advocating violence against the Israeli people?

17 A. No.

18 Q. Were you advocating violence against anybody that was
19 Jewish?

20 A. No.

21 Q. And let's say there was an Israeli student in your
22 international law seminar class, what would be your approach
23 to teaching that student?

24 A. The approach would be the same approach that I take to
25 teaching any student.

R. WOODCOCK - Direct Examination

49

1 Q. How about if it was a former IDF soldier that was in
2 international law seminar, what would be your approach to
3 teaching that person?

4 A. The same approach I take to teaching any student. I have
5 soldiers in my classes. We have soldiers at the College of
6 Law. I have spent my whole life in various professional
7 environments with soldiers. You know, soldiers do kill
8 people. That hasn't -- that doesn't change my way of dealing
9 with them. For me, that's neither here nor there.

10 Q. Have you -- have you ever been informed by anybody that a
11 student had complained that you had harassed them based on
12 national origin?

13 A. No. Never.

14 Q. Based on religion?

15 A. No.

16 Q. Based on viewpoint?

17 A. No.

18 Q. Would you ever discriminate against a student or treat a
19 student differently because of their national origin,
20 religious beliefs, or political viewpoint?

21 A. No.

22 MR. ABBAS: No further questions, Your Honor.

23 THE COURT: Thank you.

24

25

R. WOODCOCK - Cross-Examination

50

1 MR. BEAUMAN: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. BEAUMAN:

4 Q. Professor Woodcock, I'm Bryan Beauman.

5 Nice to meet you --

6 A. Nice to meet you.

7 Q. -- for the first time.

8 Just a few things I want to follow up with you on, on
9 your testimony this morning and then a couple of items to talk
10 to you about.

11 So when you testified earlier that you received letters
12 on July 18th from Dean Duff and Mr. Thro, correct?

13 A. Yes. Emails.

14 Q. Emails. Yes.

15 And so that's about, what, five months, six months,
16 roughly five months.

17 Since then you have received your full pay, correct?

18 A. Yes, that's right.

19 Q. And all of your health insurance, other insurance has
20 been paid for and provided by the university since July 18th,
21 correct?

22 A. Yes.

23 Q. And you've gotten the full retirement contribution from
24 the university since July 18th, right?

25 A. I haven't checked, but I assume so.

R. WOODCOCK - Cross-Examination

51

1 Q. And my point, sir, is: All of those economic fringe
2 benefits that come with being an employee of University of
3 Kentucky you've received since July 18th?

4 A. I assume so. In the letter I received from the
5 Defendant Duff, I believe it said that I would continue to
6 receive all of those things, so I assume that I'm getting
7 everything.

8 Q. You've also been able to continue all of your scholarly
9 research work as well?

10 A. Well, I'm not allowed to enter the College of Law
11 building. The College of Law building houses the library, the
12 College of Law library, so that affects my ability to conduct
13 research.

14 It's also the case that Dean Duff, in his email -- in his
15 email said I'm assigned to a hundred percent professional
16 development. By implication, that means my research time has
17 been assigned to zero. And so I'm uncertain about what it
18 means, because it -- would it mean that I'm violating
19 university policy if I conduct research?

20 This is a question that hasn't been clarified for me.

21 Q. Did you ask for clarification?

22 A. I haven't asked for clarification about that.

23 Q. And the Dean, nor anyone else at the university, has told
24 you what you are or aren't allowed to research, have they,
25 since July 18th?

R. WOODCOCK - Cross-Examination

52

1 A. No. Nobody has told me what I am or am not allowed to
2 research. Although, in this letter, it says -- see if I can
3 find it -- "to avoid further complaints you need to know the
4 following: If you are doing anything that might violate
5 university policy, you should stop immediately."

6 So the letter outlines -- it says I'm sharing my views,
7 my viewpoints concerning Israeli/Palestinian conflict on AALS
8 listservs. I'm circulating a petition. I've made statements
9 at conferences.

10 As you can imagine, these are all areas in which I have
11 been sharing my research conclusions and scholarship relating
12 to Israel and Palestine. So when I have a list of allegations
13 that seem to take very serious issue with my doing what I
14 would consider my normal scholarly duties of sharing
15 information about my research conclusions regarding Israel and
16 Palestine and I'm told "to avoid further complaints, you
17 should stop immediately" that, obviously, raises serious
18 questions for me about the extent to which I am allowed to
19 continue my research into the area of Israel and Palestine.

20 Q. I'll come back to your computer in just a minute because
21 I know that there was some exchange on that.

22 But you've had access to your university computer since
23 July the 18th and all of the ability to conduct electronic
24 research since July 18th, correct?

25 A. So -- so my university-provided laptop stopped working

R. WOODCOCK - Cross-Examination

53

1 very well in about 2020, and so I stopped using it. So I've
2 been using my personal laptop to conduct all of my business
3 since then.

4 The university demanded that I turn over my laptop as
5 part of the Dean Duff's July 18th email, and I did that once I
6 received assurance that the university would abide by
7 constitutional -- my constitutional rights to privacy. I was
8 given a new laptop after that.

9 I have had access to my university email account. That's
10 certainly true.

11 And I haven't noticed any kind of limitation on my
12 ability to access university networks, if that's what you're
13 asking.

14 Q. Let me talk a little bit about the classes that you had
15 taught in the past. You mentioned that earlier.

16 You talked about some of your business law classes.
17 Contracts, I guess, is like contracts 1 and 2 to first year
18 students?

19 A. Yes, that's right.

20 Q. And antitrust. Is that the name of the class?
21 Antitrust?

22 A. Yes. Antitrust. I teach only contracts 2 because I -- I
23 can't stand the pro-evidence rules, so I let somebody else
24 teach contracts 1.

25 Q. And I have tried to take notes as you were testifying

R. WOODCOCK - Cross-Examination

54

1 earlier.

2 I think what you said was the existence or the
3 destruction of the country of Israel and/or the
4 Israeli/Palestinian conflict just doesn't come up in those
5 classes.

6 Is that -- did I hear you right?

7 A. That's right. Palestine and Israel have never come up in
8 those classes.

9 Q. And I think what I heard you say, when you are teaching
10 and talking about antitrust with your students, talking about
11 business law concepts with your students, talking about
12 contracts 1 and 2 with your students, Israel and Palestine is
13 not relevant and you don't really need to talk about it,
14 correct?

15 A. Yes, that's right. Just never. I -- you know, never
16 comes up. You know, we're talking about contracts. I'm not
17 sure what the --

18 Q. I also understood the rest of your testimony about the
19 academic conferences that you attended, you felt like you had
20 an obligation in talking about antitrust with other professors
21 that you had to bring up Israel and Palestine, correct?

22 A. Yes. That's right.

23 Q. And by the way, you mentioned one other class.
24 International law.

25 Is that like the senior -- the 3L seminar that --

R. WOODCOCK - Cross-Examination

55

1 A. Yeah. It's a -- you can take it as a 2L, but mostly 3Ls
2 take it.

3 Q. And that course is not offered this coming spring 2026
4 semester, is it?

5 A. Yes, that's right. In fact, I haven't been put on the
6 schedule to teach my regular contracts class either.

7 MR. BEAUMAN: Your Honor, may I approach the witness
8 to show a document?

9 THE COURT: You certainly may.

10 If it has been introduced -- I'm sorry, marked as an
11 exhibit to any --

12 MR. BEAUMAN: It is.

13 THE COURT: -- it can be introduced.

14 MR. BEAUMAN: It is, Your Honor. It's in the record
15 probably a few times. I'm going to try to save the court
16 reporter from a lot exhibits.

17 THE COURT: Yes, sir.

18 MR. BEAUMAN: This, I know at least is attached as
19 our Exhibit 1 to our Motion for Abstention, which is Docket
20 Entry Number 25. I think that is page 13 -- Page ID 1379.

21 BY MR. BEAUMAN:

22 Q. So, Professor Woodcock, you recognize this as
23 Ms. Thompson's letter to your attorney of December 1st,
24 correct?

25 A. Yes.

R. WOODCOCK - Cross-Examination

56

1 Q. And with it there are about, I think, 42 topics of
2 questions that she had proposed to you to answer, right?

3 A. Yes. That's a lot of questions.

4 Q. And, Professor Woodcock, you testified on direct for
5 roughly 45 minutes to an hour. Seems striking to me, if you
6 would agree with me on this, that a lot of questions that your
7 attorney just asked you are the same ones that Ms. -- they're
8 not verbatim -- but very much follow.

9 Would you agree with me?

10 A. Well, I would have to reread all 42 questions to be able
11 to answer that question for you.

12 Q. Well, I won't do that here.

13 But if you'll flip to page 3 of that letter. The bold
14 topic I see is the Hong Kong Conference, correct?

15 A. Yes.

16 Q. It's things such as Describe your conduct. Who invited
17 you to present. What topics were you asked to present about.

18 Next page, sir, is talking about the George Mason
19 conference. Very similar questions. Describe your conduct.
20 Who invited you to present? What topic did you talk about?

21 The next page is about the use of listservs and a few
22 questions there.

23 Next one is about online platforms in your official
24 versus your personal capacity.

25 The page 7 talks about an optional lecture.

R. WOODCOCK - Cross-Examination

57

1 Page 9 is the fundraiser for Public Interest Law
2 Foundation.

3 Some items at the bottom of that page about your
4 appointment at the university and academic freedom.

5 And then, sir, if you flip to page 10, the last question
6 Ms. Thompson has asked you and your attorneys, "to provide any
7 facts, legal arguments, names of witnesses, or other
8 information that you deem relevant."

9 So what I was trying to ask you, Professor Woodcock, is
10 that it seems to me like the questions Ms. Thompson wanted to
11 ask, you kind of covered through your attorney's questions and
12 it took about an hour.

13 You could sit down today, or any time and have this same
14 conversation with Ms. Thompson, couldn't you?

15 MR. ABBAS: Objection, Your Honor. Argumentative.
16 It's not a question with an answer. It's just argument.

17 THE COURT: Overruled. Overruled.

18 You can answer if you understand.

19 THE WITNESS: Well, my understanding -- I don't think
20 I could sit down with Ms. Thompson any time and have this
21 conversation.

22 She has not made herself available in that capacity. She
23 said that she would -- originally, in August, she said that
24 she wanted to have a face-to-face interview with me.

25 And then she said -- actually, she changed her mind and

R. WOODCOCK - Cross-Examination

58

1 she would be okay with doing written questions, and then these
2 written questions came.

3 So I wouldn't describe -- I don't have the feeling that I
4 could sit down any day and talk to Ms. Thompson. That's not
5 how she's made herself available to me.

6 BY MR. BEAUMAN:

7 Q. We'll talk about that August 22nd meeting that you had.

8 But you and your attorney received this on December 1st,
9 so at any point in the last 18 days you could have answered
10 these questions that took about an hour to cover this morning.

11 A. Is that a question?

12 Q. Yes, sir.

13 A. I don't think that I could have answered them at any time
14 between December 1st and now. No.

15 Q. You talked about your interaction with a group at the law
16 school and students wishing to have a conference. Let me
17 cover a couple of things about that.

18 What was the name of the group again? I think I missed
19 that in my notes.

20 A. I'm sorry. Which? Which event were you referring to?

21 Q. When you were testifying earlier about where you were
22 concerned and ultimately reached out to FIRE?

23 A. Yes.

24 Q. Yeah. What was the name of the group? Staff or faculty?

25 A. I'm sorry. When I ultimately reached out to FIRE? It

R. WOODCOCK - Cross-Examination

59

1 about what?

2 Q. About bringing a speaker to campus.

3 A. Oh, it wasn't -- no. I'm sorry.

4 We didn't reach out to FIRE about bringing a speaking to
5 campus. There was a faculty group called the Faculty
6 Committee on Community and Engagement, but we didn't reach out
7 to FIRE.

8 A member of the committee had a friend who was not yet at
9 FIRE, who was an expert on free speech on campus litigation.

10 Q. Okay.

11 A. He's now lead tech counsel at FIRE, but at the time he
12 was not at FIRE.

13 Q. Thank you for clarifying.

14 A. Sure.

15 Q. Sorry I stumbled on that a little bit.

16 So that context, though, was you all had received word
17 from students and what you were told concerned you, correct?

18 A. Yes.

19 Q. Yes. Because you were concerned that there might be some
20 violation of law happening on campus, right?

21 A. Yes.

22 Q. And so what you all did was you talked to people? Right?

23 A. You mean talked to FIRE?

24 Q. First, you talked to each other, I guess.

25 A. Yes, that's right.

R. WOODCOCK - Cross-Examination

60

1 Q. And ultimately you -- you reached out to a friend of a
2 friend, who you all thought was very knowledgeable, I guess in
3 First Amendment law or constitutional issues, correct?

4 A. Yes. That's right.

5 Q. And you would have wanted to see documents, right?

6 A. I'm sorry. What documents are you referring?

7 Q. Well, you said, We don't know for sure, so what do we do,
8 is what I took down from your testimony.

9 Did I get that the right?

10 A. Yeah. We weren't sure how to respond to this idea that
11 the university was thinking of or had applied a both-sides
12 policy.

13 Q. Right. So you wanted to talk to people. Wanted to see
14 exactly what happened and what was said, correct?

15 A. Yeah. I mean, we, you know, actually the focus wasn't so
16 much on what the university had said. It was more, like, if
17 it's right that this is what the university has said, would
18 that be constitutional.

19 Q. Correct.

20 A. Yeah.

21 Q. Correct. And you reached out to someone who you
22 thought -- or someone in the group thought -- had a
23 particularized --

24 A. Yes.

25 Q. -- knowledge about that?

R. WOODCOCK - Cross-Examination

61

1 That's sort of sounds like an investigation to me.

2 Would you agree we that?

3 A. No. I wouldn't say it's an investigation. I think what
4 we wanted to do was we wanted to -- you know, the Community
5 and Engagement Committee is, one of the major things that it
6 does is creates forum for students who are upset about
7 something, particularly if they feel excluded based on their
8 background or, you know, their religion or beliefs, to create
9 a space where they can speak freely and air their concerns.

10 And so what we were trying to do is we were trying to
11 create -- to do that again, we had done that when there was
12 kind of a hate attack by an undergraduate on campus a few
13 years ago. We did a forum and we allowed people to come in
14 and talk. So we were trying to do that also for this event.

15 But we thought that, you know, because there was this
16 free speech valiance to it, it would be helpful for the whole
17 community -- including us, but also for students -- to have an
18 expert there so that when they came in and talked about how
19 they felt about what had happened, they could also get some
20 perspective on the legal implications.

21 That's, you how, I would describe it. I wouldn't say it
22 was an investigation at all.

23 Q. Let me change topics with you and see if there are some
24 things that we can agree on.

25 Would you agree with me that any employer should have

R. WOODCOCK - Cross-Examination

62

1 policies in place to prohibit and make clear that
2 discrimination and harassment is not tolerated within that
3 workplace?

4 A. Absolutely.

5 Q. That would be true for University of Kentucky, right?

6 A. Absolutely. In fact, the law requires it.

7 Q. And along with that policy that addresses the prohibition
8 of discrimination and harassment, it would also allow an
9 avenue that if someone has a concern about discrimination or
10 harassment that they could bring it to an appropriate person,
11 right?

12 A. Yes.

13 Q. I think you would agree that when the university receives
14 that kind of concern, that it should investigate it, right?

15 A. Well, it depends on what kind of concern is expressed to
16 the university. If concern is expressed to the university
17 that, you know, establishes that there is discrimination going
18 on, the university should investigate.

19 If there's a complaint that is made that doesn't suggest
20 discrimination, but instead simply suggests that, you know,
21 somebody disagrees with the views that somebody has expressed,
22 then there is no basis for having an investigation.

23 Q. Well, when those investigations take place, I think that
24 you would agree that you want the investigation to be free
25 from any interference or retaliation against any participant,

R. WOODCOCK - Cross-Examination

63

1 right?

2 A. Yes, of course.

3 Q. And you would want everyone to come forward and speak so
4 that it can be a complete investigation.

5 A. Yes, of course.

6 Q. Go to couple of other items. One we have talked about.
7 I don't think one we have yet addressed.

8 MR. BEAUMAN: Your Honor, I typically have premarked
9 stickers. I didn't for today. I just have defendant.

10 Is that okay?

11 THE COURT: Yes, sir.

12 MR. BEAUMAN: May I approach the witness?

13 THE COURT: Show it to opposing counsel first.

14 MR. BEAUMAN: Yes.

15 Your Honor, I have a copy for the court as well.

16 THE COURT: Thank you, Mr. Beauman.

17 BY MR. BEAUMAN:

18 Q. Professor Woodcock, do you recognize the document what I
19 have handed you?

20 A. No, I don't.

21 Q. Well, it is titled A Pledge to Defend Those Who Reject
22 Zionism.

23 You don't think you've seen it before?

24 A. No, I'm not sure I've seen this before.

25 Q. Well, let me --

R. WOODCOCK - Cross-Examination

64

1 MR. BEAUMAN: Your Honor, may I approach?

2 THE COURT: Yes, sir.

3 THE WITNESS: Thank you.

4 THE COURT: Thank you.

5 THE WITNESS: Oh, yes. So this must be the link.

6 Let's see.

7 BY MR. BEAUMAN:

8 Q. So if I can --

9 MR. BEAUMAN: Your Honor, just to orient everyone.

10 The second document that I've handed Professor Woodcock is an
11 email that he sent on the University of Kentucky, College of
12 Law school faculty listserv which had a link.

13 And the link is the first document I handed him, which is
14 titled, A Pledge to Defend Those Who Reject Zionism.

15 BY MR. BEAUMAN:

16 Q. Have I summarized that correctly, Professor Woodcock?

17 A. That's what it says. Yes. I remember what this is now.

18 Q. Okay. And what is it, sir?

19 A. So, after -- I think this was -- actually, it was July
20 the 20th.

21 So right after the university initiated the current
22 repression, it -- I came across, somebody from the community
23 sent me a link to a campaign for defending people who are
24 subject to Zionist repression.

25 And so as I had just been suspended, banned, and

R. WOODCOCK - Cross-Examination

65

1 subjected to investigation based on my research conclusions
2 regarding Palestine and Israel, you know, this seemed
3 interesting as, you know, something that can help, you know,
4 folks to, you know, to resist these attempts to repress
5 speech.

6 And I forwarded it to my colleagues because I assumed
7 that some of my colleagues were concerned about the repression
8 that I had been subjected to by the university and might be
9 interested in -- in also following the link.

10 I think the link had a way to sign a form so that you
11 could organize with others in order to resist attempts to, you
12 know, to punish people for speaking out against Zionism.

13 So I was hoping that my colleagues would join this and
14 work to -- to defend me and others against attempts to silence
15 opposition to Israel.

16 MR. BEAUMAN: Your Honor, with that, I would move for
17 introduction of Exhibits 1 and 2.

18 THE COURT: Any objection?

19 MR. ABBAS: No objection.

20 THE COURT: Defendants' Exhibits 1 and 2 to this
21 hearing will be admitted.

22 BY MR. BEAUMAN:

23 Q. Thank you.

24 Professor Woodcock, to orient us as to date, to dates.

25 You received the letters from Dean Duff and Mr. Thro on

R. WOODCOCK - Cross-Examination

66

1 July 18?

2 A. Yes.

3 Q. You received Ms. Thompson's on July 22. And in that
4 four-day interim, is when you pulled down this pledge, or
5 pulled the pledge off the Internet and circulated it to your
6 college faculty colleagues?

7 A. Yes. That's right. I think it was sent to me. Somebody
8 from the community who had heard about the university's action
9 emailed this link to me, and I thought it was, would be of
10 interest to my colleagues.

11 Q. And you agreed with this pledge?

12 A. I don't remember the substance of the pledge. I don't
13 know how carefully I read it before I forwarded it to them.
14 Actually, I don't remember. You know, what I was interested
15 in forwarding to my colleagues was -- is it in here? There is
16 like a sign up -- there we go.

17 You can -- there is like a form. Here. This is what I
18 was interested in sharing with my colleagues. Not the pledge,
19 but rather the ability to get in touch with this organization,
20 to work to help those who are victims of Zionist repression as
21 I was and continue to be.

22 So you enter your name, phone number, email, preferred
23 hours of contact, your affiliation. Says, "Is there an
24 interest from your organization in involvement in the campaign
25 for the coalition to end Zionist repression?"

R. WOODCOCK - Cross-Examination

67

1 So you can be in touch with that organization and
2 indicate your interest in stopping Zionist repression. That
3 seemed like a good thing to me.

4 "Type of involvement you would like to have with this
5 campaign." You can be a vocal supporter, a liaison; you can
6 be an academic assisting with research efforts, connecting
7 existing efforts, accumulating resources -- that seemed great.

8 "Do you consent to public affiliation of this campaign so
9 you can demonstrate your opposition to Zionist repression,"
10 and you can indicate other resources that you can offer.

11 So that -- that's what I was focused on. I don't recall
12 the substance of the pledge, to be frank. That's probably why
13 I didn't recognize it when you first showed it to me.

14 Q. And I will go over a couple of those highlights in just a
15 second.

16 One last thing: When you sent the email to your
17 colleagues at the College of Law, you didn't just ask them to
18 consider it, you also asked them -- the last line -- "Please
19 forward to your networks."

20 A. Yeah.

21 Q. So on this pledge -- so if you don't mind, we'll start at
22 the end page 2. So it's in bold. It says, "In signing this
23 pledge, I commit to..." and then it lists a number of things.

24 It talks about confronting the Zionism.

25 And just so we can understand it, can you briefly

R. WOODCOCK - Cross-Examination

68

1 describe what Zionism is?

2 A. Zionism is the view that Palestine should be colonized by
3 members of the Zionist movement.

4 Q. And the pledge talks about using your platform to put
5 pressures on institutions in acting with injustice, correct?

6 A. Where are we?

7 Q. So, again, that last note near the bottom says, "In
8 signing this pledge I commit to..."

9 Do you see that paragraph?

10 A. Yes.

11 Q. And then it has a list -- they're not bullet points, but
12 dashes -- a list of four things to do?

13 A. Yes.

14 Q. The first one is, "using your platform to pressure
15 institutions..."

16 A. Correct. It says, "Use my platform to amplify calls for
17 justice for those targeted, share resources developed through
18 the campaign, and put pressure on institutions enacting this
19 injustice." Yes.

20 Q. And the second note is "using your training as a lawyer
21 and educator to develop many tactics of this diverse
22 campaign."

23 A. It does say that. "Use my training to contribute
24 resources and time to developing the many tactics of this
25 diverse campaign."

R. WOODCOCK - Cross-Examination

69

1 Q. And the third is to "leverage your role to act within
2 your institution."

3 A. "Leverage within my role," that sounds pretty good,
4 "within in my role as a politician, union member, religious
5 leader, activist, et cetera to bring an end to this repression
6 through advocacy within my institution."

7 Q. And last couple of points, then I'll move on from this
8 document, sir.

9 If you'll turn to page 1.

10 A. Yeah.

11 Q. About the middle of the page, it says, "We're building a
12 network to confront efforts that have escalated over the last
13 ten months. We want to disrupt and prevent..." and then there
14 is a number of items there?

15 A. I'm sorry. Where are we?

16 Q. I'm sorry?

17 A. Oh, yes. "Just a few patterns of repression we want to
18 disrupt and prevent."

19 Disrupting and preventing repression sounds pretty good
20 to me. I don't remember actually reading this, but now you --
21 now that you put it in front of me here, that does sound
22 pretty good to me.

23 Q. You agree with this?

24 A. I think that disrupting repression is a good thing. Yes.

25 Q. But it also talks about "disrupting and preventing

R. WOODCOCK - Cross-Examination

70

1 students who wish to protest or study Zionism."

2 A. Where does it say that?

3 Q. Second note in that list, sir, on page 1.

4 A. Let's see. "We are building a network to confront the
5 many efforts to repress dissent that have escalated over the
6 past ten months. Just a few of the patterns of repression we
7 want to disrupt and prevent. We want to disrupt and prevent
8 students and academics who participate in protests or study
9 Zionism in the classroom."

10 That doesn't really read, does it? Let me try to read
11 this as a sentence.

12 Q. Here's how I read it. This pledge is going to disrupt
13 students who want to study something.

14 A. That's not how I read it at all.

15 So, first of all: This is really the first time that I'm
16 reading it, but I think that I can walk you through it a
17 little.

18 "Just a few of the patterns of repression we want to
19 disrupt and prevent:" And then it says, "Students and
20 academics who participate in protest or study Zionism in the
21 classroom are being threatened, punished, and criminalized."

22 Now, to me, that is not a sentence, right?

23 "Just a few of the patterns of repression we want to
24 disrupt and prevent: Students and academics who participate
25 in protest or study Zionism in the classroom are being

R. WOODCOCK - Cross-Examination

71

1 threatened, punished, and criminalized."

2 What we would expect is a noun phrase, but instead we're
3 getting a full the sentence. So something doesn't scan here.
4 To me, this is an incoherent thing, right?

5 It is incoherent to say, an example of the pattern of
6 repression we want to disrupt and prevent is: Students and
7 academics who participate in protests or study Zionism in the
8 classroom are being threatened, punished, and criminalized.

9 So somebody who is writing this messed up.

10 And what I read this as, the sentence -- the bullet point
11 sentence you reference -- is actually a statement, and that
12 statement says: "Students and academics who participate in
13 protesting or study Zionism in the classroom are being
14 threatened, punished and criminalized."

15 That seems to me to be a true statement.

16 I, for example, have been threatened, punished, and
17 punished. And so I agree that that's a problem.

18 I don't read this as saying that those students should be
19 disrupted. In fact, I read this as saying that we need to
20 protect those students.

21 So there is obviously a drafting problem in the pledge.
22 As I said, what appealed to me about this link -- which I
23 probably scanned for about, you know, a brief amount of time
24 before forwarding it to my colleagues -- what interested me
25 about this wasn't that substance of the pledge. What

1 interested me about it was that here you had a group that was
2 trying to organize to defend scholars and students who were
3 subjects of repression.

4 And I was -- I believe it was my second day of being a
5 repressed scholar -- and I thought my colleagues, who are my
6 friends and supporters, might be interested in networking with
7 these folks to defend people like me who are the subjects of
8 repression.

9 Q. Last question on this document and we'll move on.

10 A. Sure.

11 Q. The last item on that first page.

12 A. Sure.

13 Q. It is also referring to disrupting or "confronting and
14 disrupting right-wing movements."

15 A. "To disrupt and prevent right-wing movements."

16 Now, see, again, there is something that doesn't scan
17 here, right, because that's not a noun phrase. That's a
18 statement.

19 Here. Let's read the statement.

20 "Right-wing movements are seizing on anti-Semitism claims
21 to carry out their long-standing projects like attacking
22 antiracist education, undoing antidiscrimination policies, and
23 ramping up repressive policing and criminalizing dissent, all
24 the while espousing anti-Semitism themselves."

25 So they're making a statement. Actually, I would say I

R. WOODCOCK - Cross-Examination

73

1 don't completely agree with that particular statement. But I
2 don't read the disruption thing as working with this.
3 Somebody -- some drafter in this pledge messed up because it
4 doesn't scan.

5 Q. I'll move on to a different document that you wrote, and
6 I don't think we'll have as many drafting concerns.

7 MR. BEAUMAN: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 THE WITNESS: Thank you.

10 BY MR. BEAUMAN:

11 Q. I believe in your testimony earlier you were talking
12 about what you had drafted, which was the Petition for
13 Military Action Against Israel; is that correct?

14 A. Yes. That's right.

15 Q. Is this a copy of that, that you wrote?

16 A. Looks like it.

17 MR. BEAUMAN: With that, Your Honor, I would move to
18 introduce this as an exhibit.

19 THE COURT: Any objection?

20 MR. ABBAS: Is this Exhibit 3?

21 THE COURT: Yes. It's Defense Exhibit 3 for this
22 hearing. Yes, sir.

23 That will be admitted without objection.

24 BY MR. BEAUMAN:

25 Q. Thank you.

R. WOODCOCK - Cross-Examination

74

1 And this was one of the items that Ms. Thompson had noted
2 in the notice to you.

3 That would have been part of her investigation, correct?

4 A. Yes. This is -- this is what I thought, you know,
5 President Capilouto was talking about also in his email to the
6 community.

7 Q. And who did you distribute this petition to?

8 A. I put it on the website for the Antizionist Legal Studies
9 Movement. As I mentioned, I think that was around November.
10 I might have sent it to a few random colleagues over the next
11 few months.

12 And then, at the beginning of July, I posted this
13 petition to four discussion groups of the Association of
14 American Law Schools. The Women in Legal Education Discussion
15 Group, the Critical Theories Discussion Group, I think that
16 it's called. The International Law Discussion Group and the
17 Civil Rights Discussion Group.

18 Q. In fact, if I understand right, all four of those groups
19 you just made the exact same post?

20 A. I think that's right. Yeah. It's also called
21 cross-posting.

22 Q. Okay. And so I see it says, "Petition for Military
23 Action."

24 A. Yes.

25 Q. And then the first paragraph is, "We demand that every

R. WOODCOCK - Cross-Examination

75

1 country in the world make war on Israel immediately until such
2 time as Israel has submitted permanently and unconditionally
3 to the government of Palestine, everywhere from the Jordan
4 River to the Mediterranean Sea."

5 Did I read that correctly?

6 A. You did.

7 Q. Okay. And then, as I look on the second page, the top
8 paragraph on page 2 ends with, "the world must ask..." excuse
9 me.

10 "The world must act now. Given the stakes, each nation
11 must be prepared to strike alone."

12 By "strike" and "war" and "military action," you're
13 calling, literally, for armed conflict to destroy the country
14 of Israel?

15 A. Yes. That's correct. Israel is currently committing
16 genocide. The normal response to genocide is war. Anybody
17 who responds to genocide by calling for anything less than
18 war, in my view, is complicit and also, you know, immoral.

19 Q. I'm glad you used that word "moral" because I was just
20 about ready to go down there to your next paragraph, sir,
21 where you say, "It is the duty of states to liberate Palestine
22 by force of arms is a moral duty."

23 And then you also write that, "it would be compelling to
24 do so even if no legal grounds existed."

25 A. Absolutely. Actually, it's something that becomes

1 clearer as soon as you start studying the history of
2 decolonization, is that international law has never been a
3 friend of decolonization.

4 For example, my mother's country, Algeria, when the
5 Afalana achieved independence from the French, it was
6 technically engaged in armed cessation from the sovereign
7 state of France.

8 One of the worst things you can do under international
9 law is engage in armed cessation.

10 International law has never been a friend of
11 decolonization. It has generally only ratified decolonization
12 after it has been achieved as a fact on the ground.

13 So, yes. In the case of Israel, as well, international
14 law has never been and a true friend of decolonization. It
15 has never been a true friend of the Palestinians.

16 That does not mean that we don' have a moral duty to
17 support decolonization and to support an end to the genocide.

18 Q. And, sir, this petition that you wrote and circulated,
19 you signed it, "Ramsi Woodcock, Professor of Law, University
20 of Kentucky, Rosenberg College of Law."

21 A. I did. And that's customary when we sign petitions as
22 academics. Nobody understands such signatures to mean that
23 the institution is taking an official position or that the
24 institution is signing.

25 If you want to indicate that the institution is signing,

R. WOODCOCK - Cross-Examination

77

1 you put the institution's name without putting the name of the
2 faculty member.

3 And let me also draw your attention to one other thing.
4 It says, in italics at the very beginning of the statement,
5 second, third sentence from the -- from the beginning,
6 "Institutional affiliations are listed for informational
7 purposes and do not imply institutional endorsement of the
8 statement."

9 Q. And that comment is important to make sure that no one
10 ever possibly misunderstands that you're speaking individually
11 and not behalf of the University of Kentucky.

12 A. I disagree. I don't think it's important at all because
13 I think that nobody ever makes that mistake. The reason that
14 I added it, however, is because there is a tendency of
15 universities to try to use this question of affiliation as a
16 pretext for repressing and punishing speech by their faculty
17 members.

18 So I put it there, not because I thought that it
19 fulfilled any functional role in getting anybody to lose
20 confusion -- because I don't think that anybody is ever
21 confused about whether an individual signer is really signing
22 on the part of the institution.

23 I put it there purely defensively to guard against the
24 kind of pretextual retaliation that the University of Kentucky
25 is actually engaging in right now against me.

R. WOODCOCK - Cross-Examination

78

1 Q. Sir, when you spoke at the Hong Kong conference, and when
2 you spoke at the George Mason conference, you didn't take that
3 same measure because you did not make that disclaimer at those
4 two conferences, did you?

5 A. At the George Mason conference, I did not say I'm
6 speaking on my individual behalf and not on behalf of the
7 university. The same thing at the other conference.

8 And that, again, is because nobody at these conferences
9 is under any illusion that when a scholar stands up to speak,
10 they're speaking as a spokesman for the university.

11 That is simply not the reality of how people in audiences
12 at conferences understand things. This is a requirement that
13 is used exclusively by universities to chill the speech by
14 faculty and as a pretext for punishing them when they say
15 things that universities find uncomfortable.

16 Q. At the George Mason conference people walked out during
17 your session, didn't they?

18 A. I didn't see anybody walk out.

19 Q. At the Hong Kong conference, if -- there is no video of
20 that; is that accurate?

21 A. I don't know. I don't have any video of it myself.

22 Q. We have the video of George Mason.

23 A. We do, yes.

24 Q. At a minimum, I think that there is a link in the record.
25 I don't know that a conventional copy as been filed.

R. WOODCOCK - Cross-Examination

79

1 Certainly if the Court needs one, we can make that available.

2 And that was just my question. I know there is video of
3 the George Mason. I don't know that there is a video of
4 Hong Kong one.

5 A. I don't know that there is either.

6 Q. Okay. Fair enough.

7 And your topic that day -- I guess you spoke on the
8 second day of the conference as part of a panel, correct?

9 A. In Hong Kong?

10 Q. Yes.

11 A. I believe it was the second day. Yes.

12 Q. And you spoke about Competition Law and Policy in the
13 Digital Markets with two other members and the moderator?

14 A. Was that the name of the panel? Yeah. It was my
15 recollection, as I think I mentioned in direct, was that it
16 was a panel and platforms.

17 Q. You mentioned that one of attendees in the Q&A session of
18 your panel said something to you.

19 Isn't what he said something along the lines of, Are you
20 calling for an end of Israel?

21 A. To be frank, I don't recall well what was said. But
22 other than that, it was a personal attack on me in the mode of
23 calling me a terrorist. That's what I retained from it, but I
24 don't remember the exact language, to be frank.

25 Q. And your response was to shout "apartheid, apartheid,

R. WOODCOCK - Cross-Examination

80

1 apartheid" over and over and over until they took the mic away
2 from you?

3 A. That's incorrect. That is incorrect.

4 Q. Did you say apart -- I'm sorry. Go ahead.

5 A. As I said on direct, what I said was, you know, you know,
6 first I spoke about the responsibility to protect, which
7 authorizes military intervention to stop a genocide.

8 When the attack continued I tried to redirect it to a
9 question substance, rather than an assanation of my character
10 by saying the following: I said, "Israel is a colonization
11 project that practices apartheid and is committing genocide."
12 That's the phrase. And it became kind of a tug of war where
13 he continued to attack and I continued to reaffirm that --
14 that phrase.

15 I did not chant "apartheid, apartheid, apartheid."
16 That's false.

17 Q. Did they have to take the microphone away from you?

18 A. No. The microphone -- they didn't take the microphone
19 away from me. As I mentioned, this -- this heckler,
20 eventually he calmed down and he said, "Hey, can I ask a
21 question?" And I said, "Yes," and the question session
22 continued.

23 Q. But none of this discussion about Israel, Palestine,
24 Zionism, colonization, none of this has anything to do with
25 competition law policy in the digital markets, or the whole

R. WOODCOCK - Cross-Examination

81

1 conference, which is the machine lawyering conference?

2 A. I disagree with that statement very very strongly.

3 First of all, as I mentioned, in my view, you know, our
4 job as law professors, our business is to think and talk about
5 justice. And we cannot do that with authority if we stay
6 silent when our country is perpetrating genocide through
7 Israel. Full stop.

8 So in my view, as an American law scholar, absolutely.
9 Whenever we speak about the law in any capacity, our nation's
10 commission of genocide is relevant, first of all.

11 Second of all, I've written about the importance of law
12 and technology scholars and antitrust scholars starting to
13 think about Palestine.

14 For example, I have argued that Israel is a
15 monopolization project. Before the state of Israel was
16 formed, the Zionist movement went about purchasing of the land
17 all over Palestine and refusing to resell the land and
18 insisting only on leasing it to Jewish settlers.

19 And so as an antitrust scholar, when I see that, that has
20 land monopolization written all over it. And I asked myself
21 why antitrust scholars have not written about the Zionist
22 movements land monopolization schemes.

23 So I think there is a very important research area that
24 hasn't been gone into, in part because when one thinks and
25 starts talking about these subjects, university

R. WOODCOCK - Cross-Examination

82

1 administrations like this one, you know, try to silence you
2 and suspend you and ban you.

3 It is an undermined area of research in antitrust law
4 that involves looking at Israel from a monopolization frame.

5 So I very strongly disagree with the view that a
6 conference on antitrust -- Palestine isn't relevant to a
7 conference on antitrust.

8 And I would like to point out that one of the main
9 reasons we go to conferences as academics is to hear things we
10 don't expect to hear. Because if we went to conferences and
11 we just encountered the ideas that, you know, that we were
12 looking for, we wouldn't have to go. We would just go on
13 Google, download the relevant papers, download the abstracts
14 and read at home.

15 We go to conferences because we want to hear new things.
16 We want to hear people digress. We want to hear the
17 interjections. We want to hear the political statements.

18 I disagree very strongly with this view that this was off
19 topic. Only a nonacademic exceedingly narrow definition of
20 what a conference topic is would result in that kind of a
21 statement.

22 MR. BEAUMAN: May I approach, Your Honor?

23 THE COURT: Yes, sir.

24 MR. BEAUMAN: Thank you.

25 BY MR. BEAUMAN:

R. WOODCOCK - Cross-Examination

83

1 Q. Next, Professor Woodcock, I'm going to hand you three
2 different emails or email chains that I want to talk about.
3 These are all from October.

4 And I read these, these are emails that you have sent or
5 have been part of a chain on the College of Law faculty
6 listserv?

7 A. Yes, it looks like it.

8 Q. So if we start with the first one, which actually looks
9 like two emails that you authored on October 1st; is that
10 correct? Am I reading that right?

11 A. Let's see here.

12 Q. Kind of hard to see. I think the first one starts at the
13 very high top of page 2. 12:15 on October 1st.

14 And the second one was at 6:52 p.m. on October 1st.

15 A. Hold on, here. Okay. Yes.

16 Q. All right. So if I can start with your earlier one.
17 I'll start on page 2.

18 A. Okay. So this is October 1st at 12:15?

19 Q. Yes, sir.

20 A. Sure.

21 Q. Do you remember these emails?

22 A. Yes, I do.

23 Q. Okay. So as I read this, your first email on October 1st
24 is telling your College of Law faculty and staff colleagues
25 that the university has retained an investigator,

R. WOODCOCK - Cross-Examination

84

1 Ms. Thompson, who is an attorney.

2 And it is your -- you close the first paragraph, sir, you
3 say, "My understanding is she has asked to speak with some of
4 you."

5 A. The first paragraph. Yes.

6 Q. You think it's appropriate -- knowing that your
7 colleagues are going to be witnesses in this investigation --
8 for you to be reaching out about the subject of their
9 interviews with Ms. Thompson?

10 A. But I wasn't reaching out about the subject of their
11 interviews. I said that my understanding is that she's asked
12 to speak with you. That's all.

13 Q. Okay. Well, let's come down to the fourth paragraph.
14 Starts with, "Obviously, Dean Duff..."

15 A. Yes. Yes.

16 Q. So you write to your faculty colleagues, obviously,
17 Dean Duff's actions have placed a scarlet letter on you and
18 made your faculty colleagues scared to associate with you.

19 You wrote that?

20 A. I did. Yes. That's been my experience.

21 Q. All right.

22 A. And I have colleagues that I have known for seven years
23 didn't reach out to me at all after the announcement of the
24 investigation. And maybe, you know, six or seven weeks later
25 would reach out of and say, Hey, I wanted let you know I'm

R. WOODCOCK - Cross-Examination

85

1 really sorry about what is going on. Maybe we should get
2 together some time.

3 I would write back and say, "Let's have coffee."
4 Nothing. Silence.

5 When I see that, I read scared. This is somebody who is
6 scared.

7 When you -- remember here, President Capilouto sent an
8 email to the community accusing me of wanting to destroy a
9 people, calling my views repugnant, and saying they expressed
10 hate.

11 He then had me banned from the College of Law and
12 suspended. That sends a very very extreme signal of
13 dissatisfaction to me. Very extreme.

14 If you're an employee of this university and you see that
15 the president of the university feels such extreme
16 dissatisfaction with this person, you're going to wonder if
17 you are seen around them, could that mean that you could end
18 up losing your job. Could the same thing be done to you.

19 Q. Let me --

20 A. Not get a promotion. That's what I was talking about.
21 Go on.

22 Q. Let me offer you another interpretation of this email.

23 Your faculty colleagues weren't rallying to support you,
24 were they; and you were frustrated with them.

25 A. I would say that my -- my faculty colleagues were scared.

R. WOODCOCK - Cross-Examination

86

1 I didn't experience them as failing to offer me something that
2 I thought I was doing. I experienced this as my faculty
3 colleagues were scared. They were repressed.

4 They, too, were suspect -- were suppressed. They were
5 chilled. The kind of actions that university took are
6 authoritarian and they were chilling my colleagues speech,
7 just as they -- as the university was trying to chill my
8 speech. That's how I experienced it.

9 Q. Well, you close that paragraph by saying to your
10 colleagues, "You shouldn't hesitate to offer support if you
11 believe it is warranted."

12 You're asking for support, correct?

13 A. No. I'm saying that if -- that you shouldn't be chilled.
14 Don't allow the repression that the university is bringing
15 down on your head to affect your behavior.

16 Q. So you wanted them to go talk to Ms. Thompson?

17 A. I'm sorry?

18 Q. You wanted your colleagues at the law school to talk to
19 Ms. Thompson?

20 A. No. I wanted -- I wanted my colleagues to act as they
21 normally would act; to not be victims of this kind of
22 repression.

23 Let's put it this way: In order to carry out an
24 investigation that is unbiased, your colleagues have to feel
25 like they're not under threat of retaliation from the

R. WOODCOCK - Cross-Examination

87

1 administration when the president of the university broadcasts
2 to the entire community that he thinks your speech expresses
3 hate, is repugnant, and that you want to destroy a people.
4 That's going to alter behavior.

5 Q. But, sir --

6 A. So what I wanted here was for my colleagues not to be --
7 not to have their behavior altered so that the investigation
8 could be carried out in a way that is unbiased.

9 Q. You close this email by discouraging your faculty
10 colleagues to talk to Ms. Thompson and instead to come speak
11 to your lawyers or you first?

12 A. Where does it say that?

13 Q. So the bottom of the page, bottom of page 2. Your
14 paragraph says, "According to Thompson..." and you explain
15 what her investigation is -- and then the last two lines of
16 the page, "While she has said she will permit me to review
17 transcripts of interviews, I won't be able to retain copies
18 and given a claim of privilege, there is no way for me or you
19 to verify anything that you said to her."

20 A. Those are true statements.

21 Q. And your next paragraph, "If you want to ensure the
22 investigation is complete, the best way is to communicate your
23 views to my lawyers or me."

24 A. Yes. Absolutely. That's that the best way. This is
25 what it says here.

R. WOODCOCK - Cross-Examination

88

1 It says, "If you want to ensure that the investigation is
2 complete and unbiased...", so as I've said, this email was
3 about ensuring that the investigation would be complete and
4 unbiased, in light of the fact that we were all operating
5 under this cloud of repression that was created by President
6 Capilouto when he publicly announced to the entire university
7 community his own extreme dissatisfaction with me.

8 You want to carry out an unbiased investigation, you do
9 not broadcast in advance to every potential witness on the
10 faculty your extreme displeasure with the subject of the
11 investigation. That's not a professional way to carry out an
12 investigation.

13 I was doing my best to salvage this investigation for
14 this university through this email.

15 Q. So let me ask you -- last question on this document, I'll
16 move on.

17 On page 1, which was the evening email of October 1st at
18 6:52, you pass along the YouTube link to your George Mason
19 panel.

20 The second paragraph is, you pass along a letter, I guess
21 that was on your -- on behalf of your support of the Middle
22 East Studies Association and a professor at Yale Law School.

23 And then you close --

24 A. Which day are we looking at here?

25 Q. It's the very first page of that exhibit.

R. WOODCOCK - Cross-Examination

89

1 A. October 1st?

2 Q. Yes. October 1st at 6:52.

3 A. Okay.

4 Q. You close that email to your faculty colleagues by saying
5 "The more groups speak out, the worst it will look if we, as a
6 faculty, have said and done nothing."

7 A. Yes.

8 Q. You wrote that?

9 A. Yes. So you have to understand, I'm still a member of
10 the University of Kentucky, Rosenberg College of Law faculty.
11 In fact, you affirmed that to me earlier. You said, Well, you
12 still have access to email and so on. I'm still a member of
13 the faculty.

14 The president of the university said that it is a neutral
15 investigation. University regulations say that -- that the
16 burden of proof is on the university, that you're innocent
17 until proven guilty, and so on.

18 So I am -- I continue to be a member of this faculty in
19 good standing. And part of my responsibility on the faculty
20 is to engage in shared governance. We, as a faculty, have a
21 shared governance duty.

22 In fact, the American Bar Association will remove
23 accreditation for the College of Law if we stop having a
24 faculty governance component.

25 And so the question -- one of the questions that faces my

R. WOODCOCK - Cross-Examination

90

1 faculty right now, a very important question, is academic
2 freedom.

3 The university and our dean have taken steps to sanction
4 a professor based upon protected speech, speech protected by
5 the First Amendment, speech that falls within the ambit of
6 academic freedom.

7 This is a governance matter for the faculty of the
8 College of Law. So I can speak to the faculty with my faculty
9 member hat about governance, about what we as a faculty need
10 to do in response to a violation of academic freedom, about
11 what we as a faculty need to do as a response to a violation
12 of the First Amendment that involves our faculty. I can speak
13 with that hat.

14 So when you read this email, you are reading me speaking
15 with my member of the faculty hat.

16 Q. Yeah. And there's two other emails. Well, more than
17 two --

18 A. Yeah.

19 Q. -- but two other sets of emails that I want to point to
20 you that I think would go to the same principle that you just
21 espoused there.

22 The second set of documents I gave you, at the bottom of
23 page, you'll see is dated Friday, October 3 of this year at
24 3:09. Again, that's from you to the law school faculty. It
25 is -- it's a four-page document.

R. WOODCOCK - Cross-Examination

91

1 And just to kind of orient you, I think earlier
2 in September Professor Goldman had written to the group and
3 then you are then replying to Professor Goldman's
4 September 26th email.

5 But also writing on October 1st -- and, actually, the
6 first email I'm going to show to you comes between your other
7 October 1st emails that we just looked at.

8 Do you see on page 2 you wrote on October 1st at
9 11:12 a.m.?

10 A. Yes.

11 Q. And you respond that, "Richard (indiscernible) and
12 Proffer and Professor Goldman are right, of course."

13 And then you write this, "In the absence of leadership on
14 the issue, I find myself in the awkward position of having to
15 exercise it."

16 And then you set up a Zoom call. This is on a Wednesday.
17 You set up a Zoom call for Friday.

18 So, Professor Woodcock, as I read this, you're not seeing
19 anybody back on the faculty leading on supporting you so you
20 take that task on yourself?

21 A. So the faculty -- as I mentioned, as a result of the
22 extreme actions that the university's taken against me,
23 including publically signalling extreme displeasure, banning
24 me and suspending me, the faculty of the College of Law are
25 chilled. They're scared.

R. WOODCOCK - Cross-Examination

92

1 As a member of the faculty of the College of Law, I have
2 a responsibility to take into account our duty of shared
3 governance and to think about what's in the best interest of
4 our faculty. And if other faculty members are scared to
5 exercise leadership, I have to step forward and do so in order
6 to protect our faculty as an institution.

7 Remember, under the rules of shared governance -- which,
8 by the way, are protected by the U.S. Constitutional as well,
9 we have a duty to act independently --

10 Q. Sir --

11 A. -- in order to protect academic freedom.

12 Q. I'm sorry.

13 -- I'm just trying to talk about your attempt to invite
14 your colleagues. And this is three emails.

15 A. Yeah. And I'm explaining.

16 Q. On Wednesday the 1st, you let them know here is a Zoom
17 link where we can all talk on Friday?

18 A. Yes.

19 Q. And then on Friday -- which is the email at the top of
20 page 2, "Gentle reminder. There is a Zoom meeting in
21 40 minutes. Come join me."

22 A. Yes, that's right.

23 Q. And then that afternoon -- which is the first email on
24 this exhibit. "Just a brief note of thanks to those who
25 participated. If you wanted to be but couldn't make it, don't

R. WOODCOCK - Cross-Examination

93

1 hesitate to reach out."

2 And, sir, these -- this attempt to meet with faculty
3 members, it comes right on the heels of your emails about
4 telling them come talk to me, come talk to my attorneys, don't
5 go talk to Ms. Thompson as part of her investigation.

6 A. As I say, I was doing my best to salvage the
7 investigation, to ensure that it would be unbiased. That was
8 one aspect of it. That's me as a repressed faculty member.

9 The other aspect of it was me, as a member of the faculty
10 in good standing, trying to help the faculty take a position
11 on an issue that is of great importance to academic freedom
12 and to the governance of the College of Law.

13 If the university doesn't want to have these awkward
14 roles and juxtaposition, it can choose not to engage in
15 repression against me. But, you know, if it's going to go
16 after a faculty member, this is the kind of awkward situation
17 that it's going to create. I'm very sorry that, you know,
18 that the university has created this situation.

19 Q. Last email and I'll move on from this.

20 A. Yeah.

21 Q. The third set of documents I gave you starts at the
22 bottom with an email that you sent to the College of Law
23 faculty on the listserv on Thursday, October 16th of this year
24 at 4:14, correct?

25 A. Yes, I see an email from 4:14.

R. WOODCOCK - Cross-Examination

94

1 Q. It looks to me like that email -- which is roughly a full
2 page, and as it goes on to page 2 -- is responding to an email
3 that Brian Frey had sent, correct?

4 A. Yes, that's right.

5 Q. And what he wrote on the 15th is, "Dear Colleagues, in
6 light of our conversation this afternoon, I thought that you
7 might be interested in this interview I recorded with Stanley
8 Fish several years ago," and then he provides a link to the
9 recording.

10 And so you're responding to that. And your email starts
11 with, "I don't want to infer too much from Brian's email, but
12 this is a good moment to make the point that it's problematic
13 for you to take any position without consulting me."

14 A. Yes, absolutely. And this is -- this is really important
15 actually. So here we have the university, which has engaged
16 in a violation of First Amendment rights, academic freedom of
17 a member of the faculty of the college of law.

18 If the faculty of the college of law does not respond and
19 does not respond with one voice in rejecting this attempt to
20 chill speech, this assault on academic freedom, it will
21 continue. The university will not the stop. It will continue
22 to attack speech by faculty members. Not just in my faculty,
23 but in other parts of the university.

24 So it's very important in order to protect faculty
25 governance, that when the university assaults faculty -- the

1 free speech rights of faculty -- that the faculty respond to
2 with one voice.

3 So wearing my hat, as a member in good standing of the
4 faculty of the college of law, I have a duty to make that
5 point. And I made that point in this email.

6 And if the faculty responds in a way that seems to
7 exclude me, to exclude the target of the investigation, that
8 sends the signal that the faculty is not completely opposed to
9 what the university is doing. It says, you know what, we're
10 maybe worried about this guy, he might be problematic. That's
11 not a good way for a faculty to respond to an obvious attempt
12 to violate academic freedom.

13 So with my hat on, as a member of the faculty in good
14 standing, thinking about the politics of defending free speech
15 rights of faculty and defending the constitutionally protected
16 right of faculty governance, I'm telling the faculty, Hey,
17 you're going about responding what the university did the
18 wrong way.

19 Q. But actually, sir, it is not about that. It's about
20 opposing colonization, apartheid, and genocide.

21 A. I'm sorry?

22 Q. It's not about what you just testified to.

23 You say in this email, "This case is about the right to
24 oppose colonization, apartheid, and genocide."

25 A. Absolutely.

R. WOODCOCK - Cross-Examination

96

1 Q. That's your last paragraph on page --

2 A. That's right. Absolutely. That's absolutely right.

3 So what is all of the repression about? All of the
4 repression is about preserving the ability of our country and
5 the state of Israel to promote colonization in Palestine.
6 That's the ultimate reason why the university has taken the
7 position that it did.

8 That's why this is blatant viewpoint discrimination.
9 Because if I had been calling for the end to the -- an end to
10 the Islamic Republic of Iran, we wouldn't be here.

11 So absolutely. Behind all of this, behind this assault
12 on free speech and on the faculty, there is absolutely an
13 attempt to run cover for a state that is committing
14 colonization, apartheid, and genocide.

15 Q. If you look up on page 2 the second paragraph of your
16 email.

17 A. Yes.

18 Q. The second line.

19 A. Yes.

20 Q. You write, "Any statement or action the faculty might
21 take without consulting me would send a strange signal."

22 A. Indeed, it would. Because it would send a signal that
23 the faculty does not believe that what the university has done
24 is completely wrong. Right?

25 It's sending a signal that, Hey, there might be actually

R. WOODCOCK - Cross-Examination

97

1 be a problem with one of our members of the faculty.

2 When what we actually have here is a blatant violation of
3 academic freedom and free speech rights. So what this says is
4 entirely consistent with the point that I've been making to
5 you.

6 Q. But you said "any statement."

7 A. I'm sorry?

8 Q. You said "any statement."

9 A. Right.

10 Q. They might be making these statements to Ms. Thompson,
11 and you --

12 A. No. That's not what I was saying at all.

13 Q. But you said "any statement."

14 A. Correct. I was referring to any public statement that
15 the faculty might be making. That is completely clear from
16 the context of this email.

17 Q. You --

18 A. It's not referring to any individual private statement.
19 That is an absurd reading of this email.

20 I can walk you through it, if you like.

21 Q. That's okay. I'll move on.

22 MR. BEAUMAN: Your Honor, with that, I would move for
23 admission of those three email chains, which I think are 4, 5,
24 and 6.

25 THE COURT: Any objection?

R. WOODCOCK - Cross-Examination

98

1 MR. ABBAS: No objection.

2 THE COURT: Defendants' Exhibits 4, 5 and 6 will be
3 admitted for purposes of this hearing.

4 BY MR. BEAUMAN:

5 Q. Let's talk for just a second about how the investigation
6 started. You were -- again, we've covered this. But just to
7 orient you and everyone:

8 You received the letters on July 18th from the dean and
9 the general counsel, and you already addressed this.

10 You were told to turn in the university's computer on
11 July 18th, correct?

12 A. In the email, yes. It said that I should make
13 arrangements to turn it in. It didn't give me a deadline to
14 do so.

15 Q. But you didn't turn it in until September 2nd.

16 A. So I made efforts to turn it in; however, I disclosed to
17 the university -- so this laptop had lain in a closet for,
18 like, five years. And when I went to look at it, before
19 turning it in, I realized that I had some very personal
20 material on there.

21 So my mother, who passed away not too long ago. She --
22 we had had, you know, recorded some conversations. She was
23 dying of cancer. We had recorded some conversations, and they
24 had ended up being on the laptop.

25 And I -- those are very private. That material is very

R. WOODCOCK - Cross-Examination

99

1 private, and I didn't want the, you know, the defendants in
2 this case to see, for example, there was a video that had --
3 my mother didn't know if she was going to live to see my
4 daughter, who is now four, so she recorded some remarks for
5 her. And I didn't want the defendants in this case to listen
6 to that video.

7 So, you know, first, I -- I got -- took a little bit of
8 time to get a lawyer. It's hard to find a lawyer when the
9 president of your university has publically accused you
10 expressing hate and wanting to destroy a people. It took a
11 little bit of time to find a lawyer.

12 Then I found a lawyer, got advice of counsel about what
13 to do. We asked the university if it would allow me to remove
14 those files before turning the laptop over. The university
15 refused. Even though I believe that I have a very good
16 constitutional privacy claim to that material.

17 And it required me to go almost to the courthouse steps
18 to assert my constitutional rights before the university would
19 make a binding promise that it would not access the material
20 on the laptop.

21 As soon as the university made that promises, the first
22 business day after it made that promise, I returned the
23 laptop.

24 Q. So you first hired Mr. Childers to address the laptop,
25 and then you hired Mr. Richard Getty to address the laptop?

R. WOODCOCK - Cross-Examination

100

1 A. That's right.

2 MR. BEAUMAN: Your Honor, all of those back and forth
3 letters have been attached as an exhibit.

4 THE COURT: Yes, sir. I've read those. Yes, sir.

5 BY MR. BEAUMAN:

6 Q. My point, sir -- and I'll wrap up with this and move on.
7 You were told on July 18th to turn in your computer, and you
8 didn't turn it in until September 2nd.

9 A. Because the university refused to affirm that it would
10 comply with my constitutional rights with respect to material
11 on the laptop.

12 Q. And I can show you these other documents if you need me
13 to.

14 But when Ms. Thompson first wrote to you on July 22nd,
15 and then also wrote with the amended notice in early
16 September, on both occasions she asked you to provide a list
17 of witnesses and provide any documents that you wanted her to
18 consider as part of her investigation, correct?

19 A. Yes. Yes, I believe so.

20 Q. And so despite getting asked on July 22nd and again on
21 September either 6th or 8th, you didn't start turning those
22 over until mid to late October, and then early into early
23 November.

24 A. I believe that's right. You know, my attorney handled
25 the process of turning that information over.

R. WOODCOCK - Cross-Examination

101

1 Q. And when the investigation started in July and then
2 ultimately you and Mr. Childers meet with Ms. Thompson and
3 Ms. Mudd, and someone else from the university, and the
4 attorney from the university, that's on August 22nd.

5 At any point between July 18th and August 22nd, did you
6 say you have no right to investigate me?

7 A. Did I say you have no right to investigate me? I'm not
8 sure if I said that or not.

9 Q. Did you refuse at any point in time to participate in the
10 investigation between July 18th and August the 22nd?

11 A. I'm not aware of my having done that, no.

12 Q. After you all had that meeting on August 22nd,
13 Ms. Thompson sent you a pretty lengthy letter on August 25th
14 outlining the entire procedure, correct?

15 A. She did send a letter, yeah. It was interesting because
16 we had this whole conversation on August 22nd and she
17 basically said there is not going to be any procedure and
18 then, the following Monday she sent us this long letter with
19 ad hoc procedures.

20 Q. And you understand the process is she wanted information
21 from you, and that she was also going to interview witnesses,
22 and then she was going to let you see what the interviews
23 were; not knowing the names, it would be redacted as, like,
24 Student 1, Professor 2, whatever.

25 But you were going to get a peek at all of the evidence

R. WOODCOCK - Cross-Examination

102

1 and you were going to have the opportunity to respond to that
2 and give her potential questions to go back and ask people;
3 or, hey, you're missing this document, Ms. Thompson. You need
4 to pull this document.

5 And then she would come back to you, and then you would
6 get a second peek at all of the evidence to see what that --
7 you understood that there was going to be this back and forth?

8 A. You know, I didn't. This, it's interesting. You say,
9 "All the evidence." It's really the first time I've been
10 hearing this, you know, this representation that it would be
11 all of the evidence. That wasn't my understanding. And I
12 think that that's in the emails that we were discussing
13 earlier.

14 My understanding was not that there had been any, you
15 know, binding promise --

16 Q. I --

17 A. -- that we would be able to view all of the evidence.
18 This is the first time I'm hearing that.

19 Q. Well, I'm trying not to bog us down. I can show you the
20 letter.

21 A. Sure. Yeah. I may have missed something. But that's --
22 my understanding was not that there was a representation that
23 we would see all of the evidence.

24 For example, one thing that really stands out to me is
25 that, you know, Ms. Thompson said that the report that she

R. WOODCOCK - Cross-Examination

103

1 would write would be --

2 THE COURT: I don't think he's responding to a
3 question.

4 If you would like to come up and give him a document, you
5 may do so.

6 MR. BEAUMAN: Thank you.

7 THE WITNESS: My understanding was that --

8 THE COURT: There is no question at this point on the
9 floor.

10 THE WITNESS: Okay.

11 THE COURT: Wait until he shows you a document to
12 refresh your memory.

13 THE WITNESS: Sure.

14 BY MR. BEAUMAN:

15 Q. Professor Woodcock, does this look familiar to you? The
16 August 25th letter from Ms. Thompson to your attorney?

17 A. Yes.

18 Q. So if you look on the second page, you'll see there is a
19 bold heading called "First Evidence Review."

20 A. Yes.

21 Q. And if I'm reading this right, "At the conclusion of the
22 fact gathering stage of my investigation, I will make the
23 evidence -- whether inculpatory or exculpatory -- available
24 for Professor Woodcock and your attorney's review."

25 A. Yes. I don't see "all" there. This why I find your use

R. WOODCOCK - Cross-Examination

104

1 of the word "all" to be something new. So, "I will make the
2 evidence..." --

3 Q. -- "...whether inculpatory or exculpatory..." --

4 A. Right. Yeah. So this is a more ambiguous statement than
5 the one that you made. So it's -- I'm glad to hear that, you
6 know, now that there is a representation that I would have
7 access to all of the evidence. I appreciate that.

8 Q. Did you follow up and say your letter is vague. I don't
9 understand it?

10 A. No. I -- there are lot of vague things in the letter.

11 Q. You participated in the investigation. You got
12 additional attorneys, and they have provided information to
13 Ms. Thompson since --

14 A. They have, yeah.

15 Q. -- August 25th?

16 A. Yes. That's true.

17 Q. So before that August 22nd meeting, you had your
18 attorneys send a letter to Ms. Thompson objecting to her
19 participation in the investigation, didn't you?

20 MR. BEAUMAN: May I approach, Your Honor?

21 THE COURT: Yes, sir.

22 The previous letter will be marked for purposes of this
23 hearing as Defense Exhibit 7.

24 MR. BEAUMAN: Thank you, Your Honor.

25 BY MR. BEAUMAN:

R. WOODCOCK - Cross-Examination

105

1 Q. Do you recognize this letter, Professor Woodcock?

2 A. Looks like a letter that my lawyers sent.

3 Q. Yes. To Ms. Thompson, correct?

4 A. Yes.

5 Q. And you were cc'ed on it at the end?

6 A. I think that's right. Yes.

7 Q. As well as Mr. Getty and Mr. Thro.

8 A. Um-hum. Yes.

9 MR. BEAUMAN: With that, Your Honor, move for
10 introduction of this letter into evidence.

11 THE COURT: That will be Number 7 as well. Exhibit 7
12 as well.

13 MR. BEAUMAN: Yes.

14 THE COURT: 7 and 8?

15 MR. BEAUMAN: Yes. Yes, sir.

16 THE COURT: Any objection?

17 Defense Exhibits 7 and 8 will be admitted for purposes
18 of this hearing without objection.

19 BY MR. BEAUMAN:

20 Q. And this was sent by email to Ms. Thompson just a mere
21 few hours before you were having your Zoom meeting?

22 A. I suppose so. I'm not sure exactly.

23 Q. You questioned Ms. Thompson's credibility to act in this
24 matter because she's a Christian?

25 A. My lawyer sent this letter. Let's see. Where? Can you

R. WOODCOCK - Cross-Examination

106

1 point me to a particular part of it?

2 Q. Sure. Third paragraph from the first page.

3 A. Okay.

4 Q. It's referencing a profile of Ms. Thompson on the
5 Christian Broadcasting Network. Talks about her going to law
6 school at Regent University.

7 A. Yes. I see that.

8 Q. Next paragraph talks about Pat Robertson founding
9 Christian Broadcast Network and Regent University. Talks
10 about Pat Robertson's religious beliefs.

11 And then it closes with the comment, "It's reasonable to
12 wonder whether you hold religious convictions regarding
13 Israel's right to exist that might make it difficult for you
14 to conduct a neutral investigation."

15 A. Yes.

16 Q. Your attorney wrote that, correct?

17 A. Yes.

18 Q. And so if we go to the bottom of that page, sir.

19 A. Yeah.

20 Q. This is the question asked of Ms. Thompson: "I ask you
21 to disclose...", that paragraph at the end of the page.

22 "I ask you to disclose whether you support the existence
23 of Israel, either as a matter of religious conviction or
24 political ideology."

25 You're inquiring of her religious beliefs as to whether

R. WOODCOCK - Cross-Examination

107

1 she is qualified to conduct an investigation, correct?

2 A. That's what the letter seems to be doing, yeah.

3 Q. And then the letter also talks about whether the firm has
4 any Israeli clients?

5 A. Yes.

6 Q. What's an Israeli client?

7 A. I don't know. You should ask my attorney.

8 THE COURT: I'm sorry.

9 Mr. Woodcock, are you taking the position that you were
10 not aware that this attorney was sending this letter on your
11 behalf?

12 THE WITNESS: No. No. I'm aware that the -- I was
13 aware that the attorney was sending this letter -- was sending
14 the letter on this behalf.

15 THE COURT: Did you see it before it was sent?

16 Are you aware that he was sending it before it was sent
17 with your permission?

18 THE WITNESS: Yes.

19 THE COURT: All right. Thank you. Go ahead.

20 BY MR. BEAUMAN:

21 Q. And then the third full paragraph on page 2.

22 A. Yes.

23 Q. Says, "Finally, it appears that you are also a political
24 partisan."

25 A. Yeah. Actually, just to step back.

R. WOODCOCK - Cross-Examination

108

1 The judge asked me a question: Was I aware that my
2 attorney was sending the letter before it was sent.

3 THE COURT: Yes, sir.

4 THE WITNESS: Actually, the answer to that question
5 is no.

6 THE COURT: So you're not aware that your attorney
7 was sending a letter contesting this person's ability to
8 conduct this investigation?

9 THE WITNESS: I was not aware that the -- I was not
10 aware that my attorney -- I don't believe I was aware that my
11 attorney was sending this letter.

12 I hadn't read the text of this letter, you know, before
13 it was sent knowing that it was going to be sent to the other
14 side.

15 THE COURT: I want to make sure I'm clear on this:
16 You were unaware that Mr. Childers -- in other words, you had
17 not had any conversations or discussions with him --

18 THE WITNESS: No. No.

19 THE COURT: -- about him contesting this attorney's
20 ability to conduct this investigation?

21 THE WITNESS: No. No. I had had conversations with
22 my lawyer about contesting the ability of the attorney to
23 conduct the investigation.

24 But I was not aware that my attorney was sending this
25 letter before it was sent. The text. I didn't sign off on

R. WOODCOCK - Cross-Examination

109

1 the text of this letter as being a letter to be sent to the
2 other side.

3 THE COURT: Were you aware that he was contesting her
4 ability to conduct the investigation based upon her religious
5 beliefs?

6 THE WITNESS: I --

7 THE COURT: -- or was it just contest the attorney's
8 ability to do it? Just go ahead and do it.

9 THE WITNESS: Yeah.

10 THE COURT: Which was it?

11 THE WITNESS: I'm trying. Yeah. I'm trying. I'm
12 sorry, Your Honor. I'm just trying to navigate, on-the-fly,
13 an issue of attorney/client privilege. And so I -- I have to
14 think a little bit.

15 And this is -- I haven't thought about these events in a
16 while, so I'm not -- I have to collect my thoughts a little
17 bit.

18 But what I can say now is that I wasn't aware that this
19 text was going to be sent before it was sent. That's what I
20 can tell you for sure.

21 I had discussed the issue of, you know, the appearance of
22 bias of the investigator with my attorney before this letter
23 was sent. That is true.

24 But I can comment about, you know, my views about whether
25 the religious -- I would be happy to comment about my views

R. WOODCOCK - Cross-Examination

110

1 now about whether the religious convictions of the
2 investigator are relevant to the appearance of bias. I'm
3 happy to comment about that now.

4 THE COURT: I don't think you need to pontificate on
5 that issue at this point.

6 It's not the question.

7 THE WITNESS: Sure.

8 THE COURT: Just listen to the attorney and answer
9 his question.

10 THE WITNESS: Happy to do that.

11 BY MR. BEAUMAN:

12 Q. So the third paragraph which starts with, "It appears
13 you're also a political partisan." You kind of come back to
14 that in that last paragraph by not only asking her to disclose
15 what her religious beliefs are, but then you say,
16 "whether...", fourth line up from the bottom, sir, "...and
17 whether you have any formal or informal associations with the
18 Trump administration."

19 A. Do you want me to confirm that that's in the letter?

20 Q. Yes, sir.

21 A. Sure. Sure. I see that there.

22 Q. So then when you all get to the meeting, it's on Zoom,
23 correct?

24 A. Yeah.

25 Q. And this is how your meeting starts, by asking to address

R. WOODCOCK - Cross-Examination

111

1 this, correct?

2 A. I think my attorney may have done that, yes.

3 Q. Oh, I know that --

4 A. I'm not sure. Yes.

5 Q. Yes, sir. No. You're exactly right.

6 But you saw this letter before you got on Zoom that
7 afternoon?

8 A. I did see the letter before I got on Zoom. Yeah.

9 Q. And then the meeting starts by asking the investigator to
10 the address letter.

11 And you were present for that?

12 A. I was present for that.

13 Q. And you didn't say whoa, whoa, whoa. We don't need to
14 get into that. I don't want to go down that route?

15 A. I did not say we don't need to get into that.

16 Q. Right. Finally, last topic, and then I'll be finished.

17 Since July 18th -- and I think that we have demonstrated
18 this in a lot of your U.K. email traffic.

19 You have spoken freely about your beliefs about Israel,
20 Palestine, Zionism, and anti-Zionism, correct?

21 A. I have spoken about them, yes.

22 Q. And you have a website, don't you?

23 A. I do. I have more than one website.

24 Q. Oh. Well, the website that I was going to show you some
25 documents from is RamsiWoodcock.net?

R. WOODCOCK - Cross-Examination

112

1 A. Yes. I do have that website.

2 Q. What your other websites?

3 A. I have the Antizionist Legal Studies Movement website.

4 MR. BEAUMAN: May I approach, Your Honor?

5 THE COURT: Sure.

6 MR. BEAUMAN: I'm sorry. Did I introduce the last
7 exhibit? The letter from Mr. Childers? If not, I would move
8 to admit that exhibit.

9 THE COURT: I believe it's been marked and admitted.
10 If not, it will be.

11 MR. BEAUMAN: Okay. Thank you.

12 THE COURT: I think it's in the record as well.

13 BY MR. BEAUMAN:

14 Q. Professor Woodcock, the excerpt that I just handed you,
15 is that from your website?

16 A. Yes, it is.

17 MR. BEAUMAN: Your Honor, with that I would move to
18 admit this excerpt from the web page.

19 THE COURT: Is that Exhibit 8, Madam Clerk?

20 COURTROOM DEPUTY: Exhibit 9.

21 MR. BEAUMAN: I should have premarked these, Your
22 Honor. Exhibit 9. I guess we're at 9.

23 BY MR. BEAUMAN:

24 Q. So has your picture there at the top and then your title,
25 Antizionist Scholar of Law and Economics?

R. WOODCOCK - Cross-Examination

113

1 A. Yes.

2 Q. I think that you have talked about that today.

3 As I navigated your web page, I think what we see on the
4 top right are different pages within your website, your C.V.,
5 your research; you're talking about being suspended.

6 Something called "The Wildcat Call to Action," something
7 called "The Legal Academy Call to Action," petition to donate
8 and a lawsuit tab, correct?

9 A. Yes. That's right.

10 Q. So I handed you what I accessed under the Wildcat Call to
11 Action.

12 University of Kentucky Wildcats, correct?

13 A. Yes.

14 Q. And then you note, "Beware. The following may result in
15 disciplinary action by the University of Kentucky. Scroll at
16 your own risk."

17 A. Yes.

18 Q. And then your comment, in big bold print, "The University
19 of Kentucky community has a right to not like Israel."

20 A. That's correct.

21 Q. And then you speak here on your website and write things
22 about your views on Israel, your views on the president, of
23 Dr. Capilouto, your views on the university go on and on, how
24 to fight for your rights?

25 A. Yes.

R. WOODCOCK - Cross-Examination

114

1 Q. And then you kind of have a call to action, which is
2 eight different things.

3 "Say what Professor Woodcock is saying. The world needs
4 to end Israel right now."

5 A. Yes.

6 Q. And you continue. To sign a petition to Dr. Capilouto to
7 platform you?

8 A. Yes. I think that's the best way actually to respond
9 to --

10 Q. What does that mean?

11 A. -- repression.

12 Q. I'm sorry. What does it mean to "platform" someone?

13 A. To platform someone is to give them a place to speak. To
14 deplatform is to say, you know, you're not allowed to speak
15 here or, you know, platform is an audience, in effect.

16 Q. And then on page 5, you've encouraged your readers to go
17 to the university's board of trustees --

18 A. Yes.

19 Q. -- to tell the board how you feel. And you put down
20 three different boards where the board is meeting and asked to
21 speak at a board meeting about you?

22 A. Yes.

23 Q. Okay. And then the bottom, "Keep talking. Keep talking
24 about Palestine and the university's attempt to take away your
25 right to not like Israel."

R. WOODCOCK - Cross-Examination

115

1 A. Yes. That's right.

2 Q. And copy you so that you can amplify what they say?

3 A. Yes.

4 Q. You would help spread the word that they're spreading?

5 A. Yes. Absolutely.

6 Q. My point is, sir, you have spoken freely about Israel,
7 Palestine and your views on that and this university since
8 July 18th.

9 One example of that is your website?

10 A. I have spoken about these issues, yes.

11 Q. Okay. Since July 18th?

12 A. Yes.

13 MR. BEAUMAN: Last document, Your Honor.

14 BY MR. BEAUMAN:

15 Q. Oh. At the end of your website, you have your social
16 media accounts, correct?

17 A. Where are they here?

18 Q. Is that what that is?

19 A. I think they're just sort of -- oh, you mean at the
20 bottom here?

21 Q. Yes.

22 A. Yes. That's right.

23 Q. And your Twitter or X account is @RamsiWoodcock?

24 A. Yes. That's right.

25 Q. I want to just use two of these tweets or posts, whatever

R. WOODCOCK - Cross-Examination

116

1 we want to call them.

2 A. They're not tweets anymore, are they?

3 Q. They're not tweets anymore, but I (indiscernible)

4 MR. BEAUMAN: I'm sorry, Your Honor --

5 THE WITNESS: We could call them Xs. I'm okay with
6 that.

7 BY MR. BEAUMAN:

8 Q. And your X account is public? Everybody can see it. It
9 is not private.

10 A. No, it's not. I didn't even know you could have a
11 private X account.

12 Q. But my point is: Anybody in the world can review what
13 you post on X?

14 A. I believe so.

15 Q. All right. The first one I've shown you, sir, is dated
16 July 20th of this year.

17 A. Yes. That's right.

18 Q. And it is in response to someone that says, "Get rid of
19 Mitch." And it's talking about Gaza and you, and then
20 somebody, and that same person --

21 A. I don't see "Get rid of Mitch." What is it? Where is
22 it?

23 Q. Maybe looking at the wrong one. I'm sorry.

24 A. You mean Neura Erica? Neura [phonetic] --

25 Q. I've got them reversed. I'm sorry.

R. WOODCOCK - Cross-Examination

117

1 A. Okay.

2 Q. I was just going with the oldest one.

3 A. Okay. So that's the July the 20th?

4 Q. Right. So you're posting on July 20th. This is after
5 you've gotten letters from Mr. Thro and Dean Duff, and you
6 say, "Zionists are frustrated that their intimidation campaign
7 hasn't shut me up. Israel is a colonization project that
8 practices apartheid and is currently committing genocide.
9 Every country in the world has a moral duty to make war on
10 Israel in this travesty."

11 You wrote that on July 20th for the world to see?

12 A. Yes. That's true.

13 Q. That was two days after you were told that the university
14 was going to begin an investigation of you?

15 A. Yes. That's correct.

16 Q. Second tweet, whatever, post that I gave you.

17 It's two pages. I had printed the second page just so we
18 could show the date.

19 It's Monday of this week, correct?

20 A. Yes.

21 Q. Again, it is talking about colonization. It's talking
22 about your allegations in this lawsuit.

23 I didn't want to print out your whole account. I'm not
24 sure I could have.

25 Professor Woodcock, would you agree with me there are

R. WOODCOCK - Cross-Examination

118

1 hundreds and hundreds and hundreds of posts you a made on X
2 between July 20th and today?

3 A. I'm not sure how many I made. But yes, I post regularly
4 to X. So yes.

5 I said, "You cannot have a rule against colonization if
6 the colonizer population has a right to stay." And that's
7 exactly right.

8 Q. No one at the university has told you that you can't post
9 things on X or Twitter?

10 A. I'm sorry?

11 Q. No one at the university has told you, you are not
12 allowed to post something on social media?

13 A. I mean, the university in the letter that I -- the
14 allegation that I reviewed to you, you know, told me that, you
15 know, went through a bunch of academic speech, reporting of my
16 results, of my research conclusions, and said, you know,
17 "Beware, you must stop the offending conduct right now."

18 So I'm not sure what that means exactly. I really don't
19 know, you know, if the university is going to turn something
20 that I post on Twitter into an exhibit in litigation against
21 me.

22 Q. No. Because you speak freely on the topic, right, sir?

23 A. I speak on the topic. I would not say that I speak
24 freely on the topic when I'm currently the subject of a ban, a
25 suspension, and an ongoing investigation.

1 MR. BEAUMAN: Your Honor, that's all the questions I
2 have.

3 THE COURT: Thank you.

4 MR. ABBAS: Your Honor, just a few questions.

5 THE COURT: We have to go to Mr. Clark first.

6 MR. CLARK: Your Honor, no questions.

7 THE COURT: We're going to take a break before we go
8 any further with redirect examination.

9 I will remind the parties that when we do come back, I
10 will allow you some limited redirect of the witness. We don't
11 need to plow new ground.

12 MR. ABBAS: Yes, I'm fine with that.

13 THE COURT: I've read your exhibits. I've read all
14 of your documents. I've listened to the testimony. I've got
15 lots of notes.

16 So we're going to take a break until 1:00 this afternoon.
17 We will resume at that time.

18 And if you want to do any further redirect on matters
19 that were just covered, you can certainly do that.

20 Then we'll continue with the remaining witnesses and I'll
21 then hear from the parties in argument in support of their
22 position on the motion for injunctive relief.

23 We'll be in recess until 1:00 p.m.

24 (Recess from 12:03 p.m. until 1:03 p.m.)

25 THE COURT: Thank you. We'll continue at this time

R. WOODCOCK - Redirect Examination

120

1 with the hearing in Lexington Civil Action 25-424. Ramsi
2 Woodcock versus University of Kentucky and others.

3 Before the break, the plaintiff was testifying. Let me
4 see if the parties have any other questions, either on
5 redirect or recross for the witness.

6 MR. ABBAS: Yes, Your Honor. We have a few questions
7 on redirect.

8 THE COURT: All right. Thank you.

9 Mr. Woodcock, if you could please come back up to the
10 witness stand. You're reminded you are still under oath.

11 MR. BEAUMAN: If I may, Your Honor, move to admit the
12 last the two exhibits. I think that those would be 10 and 11.
13 Those two tweets or X posts.

14 THE COURT: Yes. They will be admitted without
15 objection.

16 MR. BEAUMAN: Thank you.

17 THE COURT: Thank you. You may continue with what
18 would be redirect.

19 REDIRECT EXAMINATION

20 BY MR. ABBAS:

21 Q. Just three items.

22 Do others professors at the University of Kentucky ever
23 take positions on whether military action is or isn't
24 justified?

25 A. Yes, they do.

R. WOODCOCK - Redirect Examination

121

1 Q. And right now currently there is a -- are you familiar
2 with the Russia Studies Department at University of Kentucky?

3 A. Just vaguely.

4 Q. Okay. Has the Russia Studies Department ever taken any
5 positions on war and peace?

6 A. Yes. I'm aware of a, you know, a statement about
7 Russia's attempt at colonization of Ukraine that the -- that
8 that department hosts on a university website.

9 Q. How about the School of Diplomacy?

10 A. So the School of Diplomacy I know a bit better because I
11 know a professor there, Robert Farley, who once invited me to
12 sit in on a war game exercise that the Patterson school
13 sponsors, I believe every year, in conjunction with the U.S.
14 Army War College, in which students and faculty break up into
15 teams and, you know, explore the consequences of initiating
16 military action against, you know, they -- one team will play
17 China and another will play our country and, you know, they
18 sort of think through what the implications of declarations of
19 war and the like.

20 Q. The second item: Does the Russia Studies Department, do
21 they take a position on war in general?

22 A. Not -- not that I'm aware of. You know, I believe that
23 statement articulates opposition to Russia's colonization of
24 Ukraine; and, you know, encourages folks to donate to the
25 various organizations, including the Ukrainian military to

R. WOODCOCK - Redirect Examination

122

1 resist that attempt at colonization.

2 Q. All right. So now let's move to the investigator-related
3 questioning.

4 With regards to the investigator, have you ever told any
5 other human being in the world to not cooperate with the
6 investigator?

7 A. No.

8 Q. Okay. Have you told anyone to withhold information from
9 the investigator?

10 A. No.

11 Q. Have you told anybody to obstruct the investigator?

12 A. No.

13 Q. Some of the allegations regard your interactions with
14 other faculty members on the faculty listserv; is that right?

15 A. Yes.

16 Q. Did you talk to any of the faculty members that are on
17 the faculty listserv about what's going on here?

18 A. Do you mean like over the faculty listserv?

19 Q. Yeah. In either place. On the faculty listserv or
20 elsewhere.

21 A. Yes. I've talked about the investigation with
22 colleagues.

23 Q. And did you gather any information from them that you're
24 utilizing in this lawsuit?

25 A. I'm not sure. I'm not sure to what you're referring

R. WOODCOCK - Redirect Examination

123

1 exactly.

2 Q. Well, did you -- when you were talking with other faculty
3 members, did any faculty member tell you about whether they
4 perceived your communications on the faculty listserv as
5 against the norms or rules or expectations that UK has about
6 the faculty listserv?

7 A. No. Nobody has ever told me that.

8 Q. Okay. The Joe Childers letter. Can you pull that up in
9 front of you?

10 A. Yes.

11 MR. ABBAS: I think that we said Exhibit --

12 MR. BEAUMAN: Eight.

13 BY MR. BEAUMAN:

14 Q. Exhibit 8. You did not see this letter before it was
15 sent, correct?

16 A. I did not know that this letter was -- yeah. I didn't
17 know that this letter was going to be sent.

18 Q. So not only did you not see it; you didn't know that a
19 letter was going to be sent to Farnaz Thomas, Thompson,
20 correct?

21 A. The letter that I see here was not a letter that I saw
22 before it was sent.

23 Q. Okay. Okay. You did, though, have some concerns about
24 the possible bias of the investigator; is that right?

25 A. Yes.

R. WOODCOCK - Redirect Examination

124

1 Q. Let me ask you in the abstract: Do you think that a
2 Jewish person could be a neutral unbiased investigator in this
3 case?

4 A. Yes.

5 Q. Do you think a Christian person could be a neutral
6 unbiased investigator in this case?

7 A. Yes.

8 Q. How about a Muslim person?

9 A. Yes.

10 Q. Okay. So any kind of person of any kind of ethnicity,
11 any kind of religion, you don't have any, per se, objections
12 to a variety of different people serving as investigator,
13 correct?

14 A. No, I don't have objections.

15 Q. Did you have concerns about an investigator that has a
16 commitment, a political commitment, that is antithetical to
17 your state of view?

18 A. Yes. I mean I think that the stronger a person's
19 commitment to Israel, the greater the appearance of bias, if
20 they're conducting an investigation into statements in
21 opposition to the existence of Israel.

22 And that's -- and the source of the strength of that
23 commitment could be multifarious. It could be political,
24 politics that gives them a strong commitment to Israel. It
25 could be religion that gives them a strong commitment.

R. WOODCOCK - Redirect Examination

125

1 What concerns me is the strength of the commitment. The
2 more somebody is absolutely a hundred percent totally
3 committed to preserving and advancing the interests of Israel,
4 the more -- the greater the appearance of impartiality.

5 And we do have, at the University of Kentucky, regulation
6 that prohibits on conflicts of interests, including the
7 appearance of a conflict. And that very much concerns me.

8 And I believe Ms. Thompson, as an agent of the university
9 in this case, is bound by that regulation regarding conflicts.

10 Q. And the firm that the investigator was from, did you have
11 any concerns about that firm?

12 A. Yes. You know, when I looked on the website of that
13 firm, I found that it was advertising, you know, what it
14 called an "Israel" practice, I think.

15 It was advertising affiliations with pro-Israel groups in
16 the United States. And that was very odd to me because it
17 wasn't saying these are clients. It was saying, We're a
18 member of the -- it was something like, We're affiliated with
19 the Texas/Israel Chambers of Commerce, and so on.

20 And so that suggested to me that Ms. Thompson belongs to
21 a firm that may be making money off of associations with
22 pro-Israel groups; and, you know, that that would create a
23 conflict of interest for her; you know, maybe not in the sort
24 of, you know, sense of, you know, professional responsibility.
25 But in -- in terms of creating an appearance of impartiality,

R. WOODCOCK - Redirect Examination

126

1 potentially in violation of university of conflicts rules.

2 Q. So in your mind you don't see a -- a per se conflict, you
3 see an appearance of conflict.

4 So was that -- is that still your, in your mind now that
5 it's an appearance of conflict, not a (indiscernible) --

6 (Overlapping speakers)

7 A. Yes, absolutely. I feel that Ms. Thompson has a great
8 number of associations with pro-Israel groups and that this
9 creates -- this makes me concerned about her ability to, you
10 know, to -- to impartially investigate my case.

11 You know, the stronger that commitment is to Israel, in
12 my view, the greater there is, that there is a potential
13 conflict.

14 MR. ABBAS: Okay. Thank you.

15 No further questions, Your Honor.

16 THE COURT: Thank you.

17 Mr. Beauman.

18 MR. BEAUMAN: Nothing. Nothing, Your Honor.

19 THE COURT: Anyone else? Mr. Clark.

20 MR. CLARK: Nothing, Your Honor.

21 THE COURT: I have just a few questions for you,
22 Mr. Woodstock (sic).

23 I want to begin with your testimony on redirect.

24 THE WITNESS: Your Honor, if I may, it's Woodcock.

25 THE COURT: I'm sorry. What did I say?

R. WOODCOCK - Examination by the Court

127

1 THE WITNESS: Woodstock. It's a common --

2 THE COURT: I'm sorry. All right. I apologize.

3 You were asked on redirect just a moment ago, that there
4 were other professors that were taking positions on military
5 actions and when that would be justified.

6 THE WITNESS: Yes.

7 THE COURT: The instances that you had indicated, do
8 any of those examples that were used, or you were asked about,
9 involve taking a position on military action that would be
10 contrary to the United States' military action that would be
11 taken?

12 THE WITNESS: I'm sorry. Contrary to?

13 THE COURT: To the United States' military action.

14 In other words, you've advocated for intervention,
15 military intervention, international military intervention, to
16 effectively eliminate the country of Israel?

17 THE WITNESS: Yes. That's correct.

18 THE COURT: You're familiar with treaties that this
19 government has with the country of Israel, correct?

20 THE WITNESS: Yes. That's correct.

21 THE COURT: And you've argued, in some of the papers,
22 that Israel was actually a colony of the United States.

23 THE WITNESS: Yes. That's correct.

24 THE COURT: So you would be advocating for military
25 action against a country that the United States is aligned

R. WOODCOCK - Examination by the Court

128

1 with through treaties?

2 THE WITNESS: Yes.

3 THE COURT: And which you believe would be a colony
4 of the United States?

5 THE WITNESS: Yes. That's correct.

6 THE COURT: So you are actually advocating against
7 what would be the position of this government?

8 THE WITNESS: Yes. That's correct. I believe that
9 our America foreign policy, our policy in relation to Israel
10 is immoral and wrong and should be brought to an end.

11 THE COURT: But to call for the intervention against
12 Israel by other countries, you understand that that naturally
13 would lead to the United States intervention as well?

14 THE WITNESS: Well, I would argue that the United
15 States should not intervene in that case.

16 THE COURT: I know that would be your argument.

17 But, effectively, that is what would happen, wouldn't it?

18 THE WITNESS: It's entirely possible, and I have an
19 article on this, an op-ed, you know, saying that we need to --
20 it's on the Antizionist Legal Studies website.

21 It argues that if other countries were to form a large
22 enough coalition, that might deter us from responding
23 militarily, and that that would be the ideal outcome.

24 THE COURT: All right. Now, you were asked earlier
25 about this letter seeking to disqualify the investigator, the

R. WOODCOCK - Examination by the Court

129

1 attorney investigating the case, Ms. Thompson.

2 You're parsing words here. I want to get to the bottom
3 of this, because you said you had not previously seen, before
4 it was sent, the letter that you see here, that you have seen
5 here.

6 THE WITNESS: Yes. That's right.

7 THE COURT: That's not to mean you didn't see an
8 earlier draft in a different form, is it?

9 THE WITNESS: Yes. What I'm trying to say is that
10 I -- I didn't know that the text was going to be sent to
11 Ms. Thompson.

12 THE COURT: Well, here is the issue. Here is what
13 I'm concerned about.

14 THE WITNESS: Sure.

15 THE COURT: I'm concerned that you have taken actions
16 to slow down the investigation in a couple of different ways.

17 We've heard testimony. I've seen exhibits about the
18 computer and how long it took to get that computer produced.
19 I've read the letters, both from the university and from you
20 and your attorneys about that.

21 And then, on the date that you have this Zoom conference
22 with Ms. Thompson, this effort to have her basically
23 disqualified from the case.

24 And one could draw an inference from that, that you are
25 just basically trying to slow this investigation down.

R. WOODCOCK - Examination by the Court

130

1 Would that be a fair assumption or an inference to be
2 drawn?

3 THE WITNESS: That -- that would not be a fair
4 inference, in my view, Your Honor.

5 My issue with the laptop was put forth in good faith. I
6 had videos that I really did not want the administration to
7 see in which I believe I had a constitutional right not to
8 disclose.

9 And I'm in good faith, concerned about the objectivity of
10 Ms. Thompson. There are -- there is a whole industry of
11 workplace investigators out there. There is dozens of firms.
12 They're professional. They, you know, they select
13 investigators that have no appearance of bias.

14 I think the choice of Ms. Thompson, you know, I believe
15 is an associate of Defendant Thro's, who has political
16 commitments that are -- suggest a strong support for Israel.
17 I think that that choice was not made with the best interest
18 of the investigation in mind, to be frank, if we're trying to
19 produce an impartial and unbiased investigation.

20 So these were, Your Honor, good-faith objections.

21 These were not cynical attempts to slow down the
22 investigation.

23 THE COURT: You were asked to define some terms
24 earlier.

25 Are you able to define genocide?

R. WOODCOCK - Examination by the Court

131

1 THE WITNESS: Yes. There -- well, there is a legal
2 definition of genocide, which is that, you know, it is the
3 intent to destroy a group in whole or in part.

4 THE COURT: All right. Thank you.

5 You earlier testified about -- I want to try to quote you
6 on this:

7 We learned about what happened. You said, On
8 October 7th, what happened, and we learned that Israel was
9 committing genocide.

10 What happened on October 7th of 2023?

11 THE WITNESS: On October 7th, Palestinian resistance
12 forces attacked Israel. They --

13 THE COURT: Where was their origin? Where did they
14 come from? From Gaza?

15 THE WITNESS: They were coming from Gaza. They
16 overran the headquarters of the military division that had
17 blockaded Gaza for more than 20 years.

18 They killed hundreds of Israeli soldiers, dozens of
19 officers, including I believe four colonels. They seized
20 hostages, civilian hostages, some of whom they brought back.

21 THE COURT: Did they kill any individuals that were
22 not in the military?

23 THE WITNESS: They did kill individuals who were not
24 in the military.

25 THE COURT: Can you describe how the deaths occurred?

R. WOODCOCK - Examination by the Court

132

1 THE WITNESS: I cannot.

2 THE COURT: Let's talk about the children.

3 How were the children killed?

4 THE WITNESS: I believe that there were -- it has
5 been established that there were only a small number of
6 children who died, and it's not clear whether those
7 children -- so there were no beheaded babies. That has been
8 debunked.

9 It's not clear whether the children were killed by the
10 resistance forces or attempts by Israeli forces to implement
11 what's known as the Hannibal Directive, which is a well-known
12 policy of the Israeli military to kill hostages -- to kill
13 civilians to prevent them from becoming hostages.

14 So, for example, we know that many of the civilians who
15 were killed in the Nova festival who were in vehicles were
16 actually destroyed from the air by Israel Apache attack
17 helicopters that were under orders to destroy any vehicle that
18 was moving to prevent hostages from entering Gaza.

19 So I have no doubt that the Palestinian resistance killed
20 Israeli civilians.

21 Unfortunately, because of a lack of disclosure by the
22 Israeli government, we frankly don't know how many of those
23 civilians that have been attributed to the resistance were
24 not, in fact, killed as a result of the Hannibal Directive.

25 It is an unfortunate state of affairs.

R. WOODCOCK - Examination by the Court

133

1 THE COURT: Because of the lack of information or
2 lack of knowledge, you're not able to state with any certainty
3 that that activity constituted genocide; is that correct?

4 THE WITNESS: That the activity of the resistance
5 forces constituted genocide?

6 THE COURT: Yes, sir.

7 THE WITNESS: That's right.

8 Judge, if I may.

9 THE COURT: Yes, sir.

10 THE WITNESS: So, you know, it is an interesting
11 question. And this has come up with President Capilouto's
12 statement that I want to destroy a people based on national
13 origin.

14 In every -- so we've had more 80 decolonizations in the
15 20th century. In each of these cases, you have a settler
16 community. As a result of the decolonization, that settler
17 community -- with a few exceptions -- ceases to exist as it
18 has before in the colony.

19 Take for example, you know, the settler community in my
20 mother's country, Algeria. There were about 2 million
21 settlers. We call them French, but they were actually from
22 all over Europe at time of decolonization in 1962.

23 Most of them, between the time when an armistice was
24 announced and the hand-over happened, packed their bags and
25 left and went to France.

R. WOODCOCK - Examination by the Court

134

1 And so if you look at that, you could say, What was --
2 what did the Algerian resistance want? Did they want
3 genocide?

4 Let's think about the definition of genocide. I mean,
5 they wanted to take -- they wanted to destroy French/Algeria
6 as a political unit and they would have been very happy for
7 the settlers to leave.

8 So can we say that the Algerian resistance fit the
9 definition of a genocidal movement? Maybe we can, right? An
10 intent to destroy the settler community.

11 But that charge has never been laid. And if we were to
12 lay it and attach it to each of these 80 decolonizations, we
13 would call into question the coming into existence of more
14 than 80 current U.N. member states, which are all the products
15 of decolonization.

16 Every country in Africa, except for Ethiopia, was
17 colonized and exists only because, in a certain sense, of the
18 destruction a settler community that was in that country.

19 So, you know, when we -- when we talk about genocide and
20 the definition, I think that we have to think about the
21 decolonization context as well.

22 And so, from my perspective, Israel fits very very
23 snuggly within that decolonization context. So it would not
24 be appropriate to apply the genocide definition to
25 decolonization there.

R. WOODCOCK - Examination by the Court

135

1 THE COURT: So under your theory that you just
2 espoused, any activities that would be taken against Israel,
3 would be acceptable and legitimate?

4 THE WITNESS: I wouldn't say "any activities."

5 THE COURT: Okay. Well, then, let's take, for
6 example, you said -- it's not been proven, there is no
7 evidence of it -- but let's say, for example, during the
8 resistance that crossed into the area of Israel on
9 October 7th, and let's assume for a moment that they did kill
10 children in the way that has been described -- either through
11 decapitation or placing in ovens, or whatever it may have
12 been -- under those circumstances wouldn't that be genocide
13 regardless?

14 Regardless of whether it's Israel or any of the other
15 countries that you mentioned?

16 THE WITNESS: So I mean, you know --

17 THE COURT: Under your definition.

18 THE WITNESS: So, Your Honor, a couple --

19 THE COURT: "To destroy a group in whole or in part."

20 THE WITNESS: So my -- you know, when the Algerian
21 resistance got started in 1954, it wasn't going anywhere.
22 They were attacking police stations, uniformed members of the
23 French military.

24 THE COURT: I want to call you back to the question
25 that I asked.

R. WOODCOCK - Examination by the Court

136

1 THE WITNESS: And this is, Your Honor --

2 THE COURT: The factual situation that I just
3 described. If you can answer that question.

4 THE WITNESS: Yes. I -- I do not believe that if --
5 if the debunked statements about the beheading of 40
6 decapitated babies were true, I don't believe that that would
7 constitute an act of genocide by the Palestinians against
8 Israelis.

9 I don't think the Palestinians can be understood to be
10 trying to destroy a people in whole or in part.

11 I think they must be understood to be trying to liberate
12 their county from colonial dominance.

13 THE COURT: All right. I just want to make sure that
14 I understand.

15 What you just testified is that if those instances that
16 we have heard about --

17 THE WITNESS: Yes.

18 THE COURT: -- if those actually occurred --

19 THE WITNESS: Okay.

20 THE COURT: -- it is your testimony that that would
21 not constitute genocide as you defined it?

22 THE WITNESS: Yes. I don't believe that the
23 Palestinians have the requisite intent to destroy a people in
24 whole or in part through those acts. So I don't think it
25 would be genocide.

R. WOODCOCK - Examination by the Court

137

1 THE COURT: Isn't that what you intend when you say
2 "from the river to the sea"? To destroy a population in whole
3 or in part?

4 THE WITNESS: Your Honor --

5 THE COURT: Isn't that the country of Israel? From
6 the Jordan River to the Mediterranean?

7 THE WITNESS: Your Honor, Israel is a colony and so
8 what the Palestinians are attempting to do is to liberate
9 themselves. They're not attempting to destroy a -- a people.

10 I believe this distinction is very important. Because if
11 -- if the argument that you posit were true, that would
12 undermine the right to exist of more than 80 independent
13 states that came into the existence in the exact same way.

14 And the reason why I was -- I wasn't trying to, you know,
15 lead us astray, but the reason I wanted to talk about Algeria
16 is because Algerian independence would have never happened,
17 but for a horrific incident known as "Philippeville." That
18 was in 1956, I believe. The Algerian resistance was going
19 nowhere.

20 Unlike what we know about the Islamic resistance, which
21 is that they were not attempting to slaughter on October 7th.
22 They were trying to take hostages and they were trying to
23 score a military victory against the encircling armed forces.

24 The Algerian resistance purposefully went out and
25 masterminded the slaughter of about 200 French women and

R. WOODCOCK - Examination by the Court

138

1 children.

2 And up until that point, the French authorities had
3 been -- you know, gone pretty easy on the resistance.

4 After they saw what the Algerian resistance did, they
5 responded by killing tens of thousands of Algerians, and it
6 led to a spiral that eventually led to Algerian independence.

7 Now, that's a horrific turn of events, and a million
8 Algerians were killed. A lot of French settlers, as well.

9 When I look back and on that, can I say that Algeria
10 should not be free because it owes its origin to that act at
11 Philippeville?

12 Your Honor, I cannot say that. I cannot say that. My
13 mother had her -- got her independence through that. And so I
14 believe that, yes, decolonization and resistance are violent
15 and in often inhumane and often in awful struggles.

16 But I believe that ultimately if we're talking about a
17 colonial context, in the end decolonization is -- you know,
18 I'm a law and economics person -- it's a Kaldor-Hicks
19 improvement. The benefits outweigh the costs.

20 THE COURT: At the University of Kentucky, who
21 determines the classes that the various professors will be
22 teaching from semester to semester?

23 THE WITNESS: I believe that ultimately it's the
24 dean. Normally, the way it works is, I meet with an associate
25 dean and we talk about my schedule. And it's kind of a little

R. WOODCOCK - Examination by the Court

139

1 bit of negotiation. He said what he needs. I say what I
2 want. And I'm put on the schedule based on that discussion.

3 THE COURT: Who has the final say?

4 THE WITNESS: I believe it is the dean.

5 THE COURT: The dean.

6 You were testifying earlier about your theories of wealth
7 redistribution, which some would call socialism.

8 Has that doctrine that you advocate -- have you ever been
9 punished for teaching or advocating that doctrine at the
10 University of Kentucky?

11 THE WITNESS: Not that I'm aware of, no.

12 THE COURT: I would assume that the university is
13 aware that that's your position?

14 THE WITNESS: So I don't actually -- I don't actually
15 describe myself as a socialist. I believe in efficiency. And
16 so my, you know, my little niche, academic niche, is finding
17 ways to redistribute wealth without harming efficiency.

18 I think most socialists would say it is okay to harm
19 efficiently in order to redistribute, and that has actually
20 made me somewhat of an outcast among the law and political
21 economy people who reject economic efficiency as a criterion
22 of decision.

23 THE COURT: All right. But you've never been
24 punished or any action taken against you for advocating that
25 approach; is that right?

R. WOODCOCK - Examination by the Court

140

1 THE WITNESS: No, Your Honor.

2 THE COURT: All right. There has been quite a bit of
3 discussion about President Capilouto and a letter that he sent
4 to you.

5 When did President Capilouto first publicize your name as
6 a person who was under investigation by the university --

7 THE WITNESS: So --

8 THE COURT: -- to the general public or to others
9 within community?

10 THE WITNESS: The letter that he sent to me did not
11 contain my name. Within maybe half an hour or so I believe
12 that that was an article that appeared in the -- in the Harold
13 Leader associating me with that letter.

14 I've not -- I'm not sure exactly the timing, but I
15 believe that afternoon, by that afternoon it had become public
16 knowledge.

17 I don't think it would have been too hard for folks to
18 infer to whom he was referring.

19 THE COURT: Do you have any evidence that the
20 university or anyone that's named as a defendant in this case
21 made that information public?

22 THE WITNESS: I don't have that evidence; although I
23 have to say, that the appearance of the Harold Leader article
24 happened so quickly after the announcement, that it raised
25 questions for me.

R. WOODCOCK - Examination by the Court

141

1 In addition, there was a statement by the Kentucky Israel
2 Caucus that -- a long statement that appeared very quickly.
3 It also raised questions for me about, you know, whether they
4 had had prior notice.

5 THE COURT: All right. I heard your testimony here
6 for a couple of hours now.

7 I understand that you take or you've taught classes in
8 business -- the business law area, contracts, antitrust,
9 international law.

10 And that much of this discussion that you have engaged in
11 about the destruction of Israel has come up since 2024, 2025;
12 is that correct?

13 THE WITNESS: That's right. Really early 2024 was
14 when I first started speaking about the issue.

15 THE COURT: You've urged your colleagues, either at
16 the University of Kentucky or other institutions, to speak out
17 as well; that they have a moral obligation to do so.

18 THE WITNESS: Yes, Your Honor.

19 THE COURT: Based upon your current feelings, don't
20 you believe that you would have an obligation -- a moral
21 obligation or other obligation -- to speak out the way that
22 have you spoken out here today when you teach these classes to
23 these students?

24 THE WITNESS: No, Your Honor. You know, I believe
25 very strongly that my students should not be indoctrinated. I

R. WOODCOCK - Examination by the Court

142

1 believe students are vulnerable members of our community and
2 have to be protected.

3 You know, Your Honor, my mother was a sociologist after
4 she came to this country. And sociology is a left-coded
5 field. And she would tell me stories, I remember growing up,
6 about her -- her colleagues would try to indoctrinate their
7 students and turn them into these ticking time bombs.

8 She was very critical of that, and I agree with her. I
9 think that students should go to class and feel like they can
10 take any substantive position they want and still get an A in
11 my class. This is very very important for me.

12 I mean, Your Honor, I take positions that are
13 controversial. So I appreciate when an institution or
14 somebody in authority gives you the space to do that. And I
15 just don't think you can do that if your professor is sharing
16 his personal viewpoints, personal political viewpoints, in
17 classes. So that's a line that I've really drawn between my
18 discussion of my views out of class and inside of class.

19 What I like is for students not to know my politics, not
20 to be able to exactly guess my politics in class. And I think
21 I do a pretty good job of that actually.

22 THE COURT: Do you think that's possible at this
23 point?

24 THE WITNESS: Thanks to President Capilouto, perhaps
25 not.

S. MUDD - Direct Examination

143

1 THE COURT: You keep blaming President Capilouto.
2 But I haven't seen any evidence that he was the one who
3 publicized anything about this investigation.

4 THE WITNESS: That's true.

5 THE COURT: Is it fair to make that allegation when
6 you don't have such evidence?

7 THE WITNESS: He did make that public statement
8 calling my views "repugnant," Your Honor.

9 THE COURT: All right. Thank you.
10 You can step down.

11 THE WITNESS: Thank you.

12 THE COURT: All right. Thank you. You may call your
13 next witness.

14 MS. KAPITAN: Yes, Your Honor.
15 We would like to call the Sarah Mudd.

16 SARAH MUDD, PLAINTIFF'S WITNESS, SWORN.

17 THE WITNESS: Yes.

18 THE COURT: Thank you, ma'am.
19 You may proceed.

20 DIRECT EXAMINATION

21 BY MS. KAPITAN:

22 Q. Good afternoon, Ms. Mudd. My name is Rima Kapitan. I'm
23 one of plaintiff's attorneys.

24 Where are you currently employed?

25 A. I'm at the University of Kentucky.

S. MUDD - Direct Examination

144

1 Q. What is your position there currently?

2 A. I'm the executive director of the Office of Equal
3 Opportunity.

4 Q. Okay. And very generally, what is your role at the
5 Office of Equal Opportunity?

6 A. I oversee the team that manages investigations in
7 response to discrimination and harassment complaints at the
8 university.

9 Q. Okay. What is the scope of your office's authority to
10 investigate discrimination complaints?

11 A. Pretty -- I mean, we investigate the complaints for the
12 whole university and every part of the institution. So I'm
13 not sure if that answers your question. But pretty broad.
14 They all come through our office in some form or fashion.

15 Q. Okay. And is it fair to say that your office
16 exclusively is the only office in the university that handles
17 the discrimination complaints?

18 A. Pretty much. I mean, there is layers to different
19 complaints; but, yes, they, in some form or fashion, connect
20 to us.

21 Q. Are you aware of an investigation currently pending
22 against Professor Ramsi Woodcock?

23 A. Yes.

24 Q. And what is your involvement, if any, in that
25 investigation?

S. MUDD - Direct Examination

145

1 A. So my office assists the external investigator.
2 Sometimes we hire external investigators for a variety of
3 reasons to conduct investigations.

4 So I have assisted, in terms of the intake with Professor
5 Ramsi, as well as providing any support in terms of process,
6 communication pieces, connections with people on campus.

7 Q. Okay. How did it come about that an outside investigator
8 was hired or appointed in this case?

9 A. I wasn't -- I don't know the answer to that.

10 Q. Does the office -- your office -- when investigating
11 discrimination complaints normally hire an outside
12 investigator to conduct the investigation?

13 A. It depends on the investigation and depends on a lot of
14 different factors. We've hired external investigators a
15 number of times in the time that I've been at the university.

16 Q. Is it possible to summarize the factors that would go
17 into the decision?

18 A. It's a -- I mean, when I say it's a lot of things, I mean
19 it's a lot of things.

20 So we had an investigator on retainer to conduct
21 investigations when we were having a lower number of staff and
22 an increase in cases.

23 We have had external investigators do them when there is
24 particular kind of expertise that's needed or particularly
25 complicated potential investigations.

S. MUDD - Direct Examination

146

1 Just given the volume, sometimes it is easier or more
2 efficient to use an external person.

3 Q. All right. And the investigation currently pending
4 against Professor Woodcock, was it prompted by complaints?

5 A. Yes.

6 Q. And when were the complaints?

7 A. I don't know when -- the date that they all came in, but
8 I believe that it was Julyish of this year.

9 Q. And how did you learn about the complaints?

10 A. I was told by, I think, general counsel.

11 Q. By Mr. Thro?

12 A. I can't recall if it was him directly.

13 Q. And what is your understanding of the nature of those
14 complaints?

15 A. A variety of them related to the concerns around speech
16 that could be considered harassment based on national origin.

17 Q. Is that all you recall?

18 A. I think that summarizes it, yes.

19 Q. Okay. Who made the complaints, if you know?

20 A. I don't know the identities of all of the individuals.

21 Q. Do you know anything about them?

22 A. I know that there -- well, I think several of them came
23 via just different -- different people. I can't say because I
24 didn't -- I don't know who they are necessarily.

25 Q. Is it fair to say that none of them were students?

S. MUDD - Direct Examination

147

1 A. Yes. I think that's fair to say.

2 Q. Is it fair to say that none of them were University of
3 Kentucky faculty or staff?

4 A. That I can't say.

5 Q. I'm going to show you what has been previously marked as
6 -- may I -- Plaintiff's Exhibit Number 1.

7 May I approach, Your Honor?

8 THE COURT: Yes, ma'am, you may.

9 Is this the exhibit that is attached to the motion for
10 injunctive relief?

11 MS. KAPITAN: This is the July 22nd letter.

12 Would Your Honor like a copy?

13 THE COURT: That's fine. Yes. That's fine. I think
14 there are several copies in the record; but, yes, ma'am.
15 That's fine.

16 BY MS. KAPITAN:

17 Q. Okay. Take a look at this, please, and let me know if
18 you recognize it.

19 A. Yes, I recognize it.

20 Q. Is this, as far as you know, the letter, July 22nd
21 letter, from Ms. Thompson to Professor Woodcock?

22 A. Yes.

23 Q. All right. Take a look at the second paragraph on the
24 first page, and I'll just read you part of it.

25 "The university recently received reports about your

S. MUDD - Direct Examination

148

1 conduct from four professors who have attended academic
2 conferences where you allegedly spoke in your capacity as a
3 University of Kentucky law professor....," I'll leave off the
4 rest.

5 So does this refresh your recollection about who the
6 complaints came from?

7 A. Yes. It says that they're individuals who attended
8 conferences.

9 Q. Okay. As far as you know, you don't know whether or not
10 any of those professors were University of Kentucky
11 professors?

12 A. I don't.

13 Q. Okay. Were you or as far as you know anyone in your
14 office aware of speech by Professor Woodcock about Palestine
15 or Israel prior to the summer of 2025?

16 A. We have previously received a report about an email.
17 Yes.

18 Q. And when was that?

19 A. I think it was in 2024. It was via an anonymous source
20 of an email that was sent to a listserv.

21 Q. And it was sent to your office?

22 A. Yes.

23 Q. What was the complaint? What did the complaint say?

24 A. There was concern about anti-Israel sorts of remarks in
25 terms of hostile environment for individuals who might be

S. MUDD - Direct Examination

149

1 Israeli or Jewish.

2 Q. And what was Professor Woodcock alleged to have said that
3 was concerning?

4 A. I don't remember the content of the email. The email was
5 forwarded to our office by an anonymous burner account that
6 was deleted, so we had no way to follow up.

7 Q. All right. Did you say it was about remarks he made on a
8 listserv?

9 A. I believe so. It was an email.

10 Q. An email from Professor Woodcock?

11 A. Yes.

12 Q. Okay. Was the email forwarded, along with the complaint?

13 A. Yes.

14 Q. All right. And did you review that email?

15 A. I don't remember if I reviewed of it. I can't recall the
16 timing of it, if it would have been one that I reviewed or if
17 it occurred prior to me being here.

18 Q. Do you recall there being any statements in that email
19 that were the anti-Semitic, in your view?

20 A. I don't remember the content of the email enough to
21 answer that question.

22 Q. Do you remember having the impression after reading the
23 email that it implicated the discrimination policy at the
24 University of Kentucky?

25 A. There wasn't sufficient information for us to act on

S. MUDD - Direct Examination

150

1 that.

2 Q. Okay. Do you remember whether the content of any of that
3 email was similar to the content of the statements alleged to
4 have been made by Professor Woodcock that are currently under
5 investigation?

6 A. I think that it probably was, but I can't recall for
7 certain.

8 Q. Did you initiate an investigation into that email or into
9 Professor Woodcock at that time?

10 A. No.

11 Q. And did anybody ask you to initiate an investigation at
12 that time?

13 A. No.

14 Q. And this is in 2024, you testified?

15 A. I believe so. It is prior to 2025. I'm pretty sure.

16 Q. Are you familiar with something call the IHRA definition
17 of anti-Semitism?

18 A. Yes.

19 Q. Did the IHRA definition of anti-Semitism, as far as you
20 know, factor into the university's decision to initiate the
21 July 2025 investigation into Professor Woodcock?

22 A. Well, that definition would require, by state law, to
23 apply to investigations around potentially anti-Semitic
24 claims. So it would potentially be evaluated. Yes.

25 Q. I'm sorry. That's not quite my question.

S. MUDD - Direct Examination

151

1 So what I'm trying to get at is whether that definition
2 specifically factored into the university's decision, as far
3 as you know, to initiate the investigation into the
4 Professor Woodcock.

5 A. I think that we received multiple reports of behavior
6 that might have, or conduct that could have implemented a
7 number of university policies, including our discrimination
8 and harassment policy, which incorporates that definition.

9 Q. Okay. So what I'm asking about is whether specifically
10 that definition factored into the decision.

11 A. I can't say for sure. I mean --

12 Q. Are you familiar with the letter from Farnaz Thompson on
13 August 25th to Mr. Childers in which she laid out the process
14 of --

15 A. Yes.

16 Q. -- the investigation?

17 A. Yes.

18 Q. And before -- so at that time in August, was that
19 procedure reflected in any university policy?

20 A. No, not in that detail.

21 Q. How was -- how were those procedures determined, if you
22 know?

23 A. The specific ones outlined by here?

24 Q. Yes.

25 A. Those were determined based on what is standard process

S. MUDD - Direct Examination

152

1 in our office to respond to investigations related to 6:1.

2 Q. Is there any procedure within that standard process or
3 practice that gives the accused party an opportunity -- any
4 mechanism for contending that the investigation violates the
5 person's First Amendment rights?

6 A. They're welcome to make any of those arguments during
7 their response to the investigation.

8 Q. Are you aware that Professor Woodcock was suspended from
9 teaching and service in July of 2025?

10 A. Professor Woodcock was not suspended from the university
11 or any role. He was removed from the classroom teaching as an
12 interim action, which is not an uncommon action. That is done
13 when there is claims relating to -- that could impact the
14 educational environment.

15 Q. Can we agree to call it reassignment?

16 A. He was removed from the classroom.

17 Q. Okay. So are you aware that Professor Woodcock was
18 removed from the classroom and from advising and banned from
19 the College of Law building in July of 2025?

20 A. Yes, I'm aware of that.

21 Q. And who made the decision, if you know?

22 A. I'm not certain.

23 Q. How did you learn of the decision?

24 A. I think the same time I learned of the complaint.

25 Q. Who told you about the decision?

S. MUDD - Direct Examination

153

1 A. I don't remember who exactly said it.

2 Q. Do you know if President Capilouto had any involvement?

3 A. I have had no conversations with President Capilouto
4 about this or any other investigation.

5 Q. At that time had any student complained to your office
6 about Professor Woodcock's conduct in the classroom?

7 A. Not that I'm aware of.

8 Q. Why was it that the institution, if you know, made a
9 determination that he had to be removed from the classroom
10 pending an investigation?

11 A. That's a pretty standard process when a faculty member is
12 being investigated for something that could implicate hostile
13 environment harassment related to a variety of things. So it
14 is a standard kind of process.

15 Q. At that time were there any allegations that
16 Professor Woodcock had subjected students to a hostile work
17 environment?

18 A. There were --

19 Q. I'm sorry. A hostile environment.

20 A. Yeah. So there were allegations related to what was
21 AR 6:1, which is discrimination or harassment within our
22 educational program or activity. So that's -- that is the
23 educational program. That's what the allegations relate to.

24 Q. And so what were those allegations at that time? So
25 we're talking July 18, 2025?

S. MUDD - Direct Examination

154

1 A. Yeah. It's what is outlined here in this letter.

2 Q. "In this letter," you mean the July 22nd letter?

3 A. Yes.

4 Q. Okay. This letter is after July 18th.

5 So in July -- at July 18th, what allegations were there
6 that Professor Woodcock subjected students to hostile
7 environment?

8 A. To my knowledge, it's the same. I don't think that there
9 was a met difference between the 18th and 22th, that I'm aware
10 of.

11 Q. Okay. And so point to me in the letter where it alleges
12 that Professor Woodcock subjected students to a hostile work
13 environment.

14 A. I don't think it states students. What I said was
15 "educational environment," which is more than just the
16 students.

17 Q. Okay. And so you didn't say students.

18 But is there, to your knowledge, an allegation in this
19 letter that Professor Woodcock subjected students to a hostile
20 work environment?

21 A. I don't think it specifies that.

22 Q. Do you know that Professor Woodcock's suspension is going
23 to continue into the next semester?

24 I'm sorry. Let me rephrase.

25 Do you know that his removal from the classroom and

S. MUDD - Direct Examination

155

1 banishment from the College of Law will continue into the next
2 semester?

3 A. That is an interim measure in place until the conclusion
4 of the investigation. So if the investigation is not able to
5 conclude this semester, those measures would stay in place
6 until the investigation finishes.

7 Q. Okay. And so do you know who made the decision that it
8 would stay in place until the investigation finishes?

9 A. That is standard procedure. When we take an interim
10 action, it stays in place until the investigation concludes
11 and then it is re-evaluated if it remains necessary or not.

12 Q. Have you been copied on or forwarded correspondence
13 between counsel about this investigation?

14 A. I'm -- I'm involved with the investigator. I'm not sure
15 I can answer questions about my communications with counsel
16 about anything, because that's --

17 Q. Oh, I'm sorry. Let me clarify. I'm not --

18 A. -- privileged information.

19 Q. Right. So I'm not asking for legal advice that your
20 attorney gave you.

21 What I'm referring to is: Were you copied on the letters
22 between Mr. Childers and the university and between me and the
23 university? "Me," Rima Kapitan, and the university.

24 A. Some of them. Yes.

25 Q. Okay. And do you recall a letter from me on September

S. MUDD - Direct Examination

156

1 24th to Ms. Thompson asking for clarification about the eight
2 allegations?

3 A. I don't remember that email specifically.

4 Q. Okay.

5 A. I remember seeing ones from you, but I don't recall that
6 one specifically.

7 Q. All right. Do you remember any email from Ms. Thompson
8 or from Mr. Thro telling me that the university would not
9 supply more specifics on certain of the allegations?

10 A. That sounds vaguely familiar.

11 Q. Okay.

12 A. Yeah.

13 Q. Take a look, please, at the Exhibit 1.

14 A. Uh-huh.

15 Q. And I'm looking at the second page of the third bullet
16 point near the top.

17 A. Yep.

18 Q. Okay. And it says, "You allegedly are using the
19 university's resources to circulate an online petition,
20 Petition for Military Action Against Israel."

21 Do you see that you?

22 A. Yes. Sorry. I should have brought my reading glasses,
23 but yes.

24 Q. Okay. What university resources are alleged to have been
25 used here, if you know?

S. MUDD - Direct Examination

157

1 A. I'm assuming that relates to electronic resources, but I
2 don't know for certain.

3 Q. Do you know whether faculty sometimes or routinely uses
4 electronic resources at the University of Kentucky to engage
5 in communications that are not directly related to university
6 business?

7 A. I'm not sure if they do or do not.

8 Q. Do you know whether or not the -- whether or not faculty
9 uses the College of Law faculty listserv for communications
10 that don't directly relate to university business?

11 A. I'm not on the College of Law listserv, so I don't know
12 what's shared on that.

13 Q. Did you see any evidence about that during the course of
14 this investigation?

15 A. I haven't seen information from the listserv directly.

16 Q. Did you see any declaration attesting to the fact that
17 the listserv is used for nonuniversity business?

18 A. I think that I have seen someone say that there have been
19 previous messages shared, yes.

20 Q. Okay. When you saw that, did you or did anybody suggest
21 to you that the university should investigate whether that
22 person violated university policy?

23 A. I don't know that we discussed that. My office doesn't
24 investigate university's technology use, so that wouldn't fall
25 within my scope in the university.

S. MUDD - Direct Examination

158

1 Q. Okay.

2 MS. KAPITAN: I'm going to show you another exhibit,
3 which I we'll mark as Plaintiff's Exhibit 2.

4 May I approach?

5 THE COURT: Yes, ma'am. Thank you.

6 BY MS. KAPITAN:

7 Q. Do you recognize this letter?

8 A. Yes.

9 Q. What is it, if you can briefly describe?

10 A. This is an amended notice of investigation that was sent
11 to Professor Woodcock.

12 Q. Okay. Do you know who drafted this letter?

13 A. I believe Ms. Thompson.

14 Q. And do you know what the source of the allegations in
15 this letter were? What the sources were?

16 A. I believe they came out of the investigation, which
17 happens. Sometimes you find additional information that,
18 during the course of the investigation, that wasn't previously
19 reported, and I think that's what happened here.

20 Q. Do you know if anyone at the university participated in
21 the formulation of these allegations?

22 A. When you say, "formulation," what do you mean?

23 Q. In coming up with the specific allegations.

24 A. Not that I'm aware of. I think this came out of her
25 investigation.

S. MUDD - Direct Examination

159

1 Q. So as far as you know, Ms. Thompson is the one who
2 drafted the allegations that the university is making through
3 this letter?

4 A. Yes.

5 Q. Okay. And as a far as you know, the university officials
6 didn't have input crafting these allegations?

7 A. No.

8 Q. As far as you know, they did not, right?

9 A. Right. This is part of our investigative process, so she
10 updated the notice of investigation, similar to what happens
11 in any investigation when additional information comes, so the
12 investigator would be aware of the details that would need to
13 be added.

14 Q. Does it ever happen, in your experience, that an
15 allegation of discrimination is made and your office
16 determines that it doesn't really implicate the discrimination
17 policy and so there is no need to investigate?

18 A. Sure. Yeah.

19 Q. Can you give me an example?

20 A. It, frankly, happens all the time. We get reports. Any
21 time somebody uses the word "harassment," "bullying,"
22 "discrimination," people immediately send that to our office.

23 So we have a process to triage those when they come in to
24 determine what the basis of that is. If it's not related to a
25 protected class, we refer it to another unit.

S. MUDD - Direct Examination

160

1 And then, if it is potentially related to a protected
2 class, we try to gather a little more information to determine
3 if it is something that warrants an information.

4 There is also a process required by state law where they
5 have to be certified under certain types of protected
6 characteristics. So that has to go through the general
7 counsel's office for a certification that is required under
8 state law.

9 So there is some legwork sometimes we have to do on the
10 front before we determine if it really constitutes an
11 investigation.

12 Q. Okay. And then what happens if you determine that it
13 doesn't really fall -- the complaint doesn't really fall
14 within the discrimination policy, and it doesn't implicate any
15 other university policy that you're aware of.

16 What action would your office take at that point?

17 A. So if it's not -- are you asking if it's behavior that is
18 not related to a protected characteristic or just it wouldn't
19 rise to the definition of harassment?

20 Q. Both of those.

21 So let's say you don't think that any kind of conduct is
22 alleged that violates the policy, that would violate the
23 policy if proven true.

24 A. It's going to depend on which of those two things it is.
25 Those two examples are not managed the same way.

S. MUDD - Direct Examination

161

1 Q. Oh, okay. Why don't you explain the difference.

2 A. So if it's not related to a protect class, that is all my
3 office manages is discrimination, harassment based on
4 protected characteristics.

5 If it is any other piece, I am not responsible for
6 evaluating if that meets any other university policy. So
7 that's referred to whatever unit is best to evaluate that
8 which, in faculty cases, generally that's referred to the
9 Office of Faculty Advancement and they review those if it's
10 not related to us.

11 If it is related to protected characteristics, then we
12 sometimes pull individuals in who are accused of behavior, if
13 it doesn't rise to the definition to say we have received
14 reports.

15 If we have enough information where we can say we
16 received reports, we just want you to know that and we want to
17 make sure you are aware of the university policy.

18 We consider those reviews. They're nonpunitive. They're
19 coaching conversations about we have received "X". And they
20 have the opportunity to respond about that report.

21 And sometimes we don't do anything with them. It just --
22 they're very pat -- fact specific, what that response is, if
23 it's not investigated.

24 Q. Okay. And so let me give you a hypothetical. Let's say
25 somebody made a complaint in your office that someone was

S. MUDD - Direct Examination

162

1 opposing the idea of affirmation action, and they thought that
2 that opposition to affirmation action was based on race, but
3 you had no specific information that it was based on race.
4 For example, there were no other statements made other than
5 just opposition to affirmative action.

6 Would you consider that to be an allegation that your
7 office would investigate?

8 A. Probably not.

9 Q. And then and what would you do at that point with such a
10 complaint?

11 A. Again, it is going to be really fact specific about who
12 said it, where it was said, what the context was, if that gets
13 referred to another unit or not.

14 Q. Okay. And so let's say you couldn't think of another
15 policy that it might implicate or violate, then what would you
16 do?

17 A. We'd just close the case.

18 THE COURT: Counsel, let me remind you, this is not a
19 discovery deposition. We have very limited issues that we're
20 dealing with here today. We really haven't touched on many of
21 those issues, so --

22 MS. KAPITAN: Okay. I can move on, Your Honor.

23 THE COURT: I'll let you ask whatever questions you
24 want, but I'm concerned that you are not addressing the issues
25 that might be necessary if you do seek injunctive relief in

S. MUDD - Direct Examination

163

1 this case, but go ahead.

2 MS. KAPITAN: Okay. I will move on.

3 BY MS. KAPITAN:

4 Q. Take a look, please, at Exhibit 2 again.

5 A. Uh-huh.

6 Q. I'm looking at the first bullet point.

7 It says, "Professor Woodcock."

8 Do you see that?

9 A. I do, yes.

10 Q. "Professor Woodcock created a hostile environment on the
11 basis of race, color, or national origin by allegedly..." and
12 then there is a sub bullet point -- "using his official
13 position as a University of Kentucky professor to call for
14 violence against Israel, the genocide of the Israeli people
15 who are predominantly Jewish, and the ultimate destruction of
16 Israel."

17 What is it that Professor Woodcock is alleged to have
18 said that called for the genocide of Israeli people?

19 A. I believe that it is the petition and other things that
20 have been circulated.

21 Q. Okay. So the petition.

22 What are the other things that have been circulated?

23 A. I think most of the evidence that has been discussed here
24 today is what that is referring to.

25 Q. I don't think anyone has discussed what this allegation

S. MUDD - Direct Examination

164

1 refers to.

2 A. That refers to the remarks related to the destruction of
3 Israel.

4 Q. Okay. So his call for the destruction of Israel is the
5 statement that you think this allegation is referring to,
6 about the genocide of the Israeli people?

7 A. It is certainly related. Again, this was drafted by the
8 investigator.

9 Q. Okay. Anything else that you are aware of that this
10 allegation relates to?

11 A. No. I mean, I'm -- my job is not to be in the details of
12 every piece of an investigation, but to guide a process.
13 Investigators do their work independently and free of my
14 interference of what that investigation should be.

15 So I'm -- there may be additional pieces, but that's
16 certainly the large portion.

17 Q. Okay. And then, looking at the next bullet point -- so
18 it's the same language, so I assume your answer is the same,
19 but I want to confirm. It talks about the genocide of the
20 Israeli people.

21 Are there any other statements that you know of that this
22 refers to?

23 A. I think that is the general theme, is the call for the
24 destruction of Israel --

25 Q. Okay.

S. MUDD - Direct Examination

165

1 A. -- that's been communicated.

2 Q. All right. And that same bullet point also refers to
3 anti-Semitic tropes.

4 What anti-Semitic tropes are you aware of that
5 Professor Woodcock is alleged to have used?

6 A. I'm not sure what that refers to specifically.

7 Q. Do you recall Ms. Thompson or Mr. Thro telling me that
8 they would not identify what that refers to?

9 A. I don't recall that specifically, no.

10 Q. Okay. Then, the next bullet point, it says, "making
11 anti-Semitic and anti-Israeli remarks during an optional
12 lecture."

13 What anti-Semitic remarks is he alleged to have made
14 during that optional lecture, to your knowledge?

15 A. This is based on the work of an investigator, based on
16 her interviews and investigative work. I'm not in the details
17 of all of those, so I can't say for certain what that exactly
18 is.

19 Q. Are you aware of anyone at the University of Kentucky
20 advocating for or condoning military action?

21 A. I have no idea.

22 Q. Are you aware of anyone advocating for or condoning
23 violence against the Russian -- the country of Russia?

24 A. Not specifically. The University of Kentucky comprises
25 60,000 people though, so --

S. MUDD - Direct Examination

166

1 Q. Sure.

2 A. -- not specifically, no.

3 Q. If someone were to call -- someone at the university were
4 to call for war against Russia, would you think that that
5 implicates the discrimination policy?

6 A. I think, again, that is very -- going to be very specific
7 context that is needed. That general statement. I can't
8 answer.

9 Q. Okay. What if all you know is that someone advocated for
10 helping the military of Ukraine in a war against Russia?

11 A. Who is that someone? Where did that happen? What is the
12 context? Again, I can't answer that in that general of a
13 term.

14 Q. What if a professor did it on a faculty listserv?

15 A. I think it's going to, again, depend on a lot of factors
16 potentially.

17 Q. Such as what? What would you most want to know?

18 A. I don't know. I mean, we're playing a hypothetical game
19 of, "What kind of things can you make up that might implicate
20 that." So I mean there could be a variety of things that
21 could point that in one direction or another.

22 Q. No one has ever asked you to investigate whether someone
23 at the University of Kentucky who advocates for violence
24 against Russia is violating the prohibition against national
25 origin discrimination, correct?

S. MUDD - Direct Examination

167

1 A. That is not -- we have not received any reports related
2 to that, that I'm aware of.

3 Q. That's not quite my question.

4 Has anyone asked you to investigate any statements to
5 that effect?

6 A. People don't ask us to investigate. We receive reports
7 and respond to reports. So I have not, to my knowledge,
8 received any of those sorts of reports to respond to.

9 Q. Do you think that a call for military action is
10 necessarily a call for genocide?

11 A. I don't know.

12 MR. BEAUMAN: Your Honor, I'm going to object. I'm
13 not sure her opinion on that topic is really relevant to the
14 motion before Your Honor.

15 THE COURT: I understand.

16 I warned counsel that she's covering areas that are not
17 really relevant to the issues here. If she wants to waste her
18 time doing that, I'll allow her to do that.

19 I'll overrule the objection.

20 If you have an opinion, you're not stating on behalf of
21 the university. If you would like to answer the question, you
22 may.

23 THE WITNESS: I don't have an -- I don't have an
24 opinion on that --

25 THE COURT: All right. Thank you.

J. DUFF - Direct Examination

168

1 THE WITNESS: -- that I think is relevant or worth
2 sharing under oath, so...

3 MS. KAPITAN: I don't have any further questions.
4 Thank you.

5 MR. BEAUMAN: Nothing, Your Honor.

6 MR. CLARK: Nothing, Your Honor.

7 THE COURT: Thank you, ma'am. You can step down.
8 You can hand me those exhibits, if you would.
9 Thank you.

10 THE WITNESS: Thank you.

11 THE COURT: Madam Clerk, I'll provide these to you
12 directly.

13 Thank you. You may call your next witness.

14 MR. ABBAS: Your Honor, the final witness.
15 We call Mr. James Duff to the stand.

16 JAMES DUFF, PLAINTIFF'S WITNESS, SWORN

17 COURTROOM DEPUTY: Thank you.

18 THE COURT: Please watch your step as you come over
19 here to the right.

20 Thank you. Mr. Abbas.

21 MR. ABBAS: Thank you.

22 DIRECT EXAMINATION

23 BY MR. ABBAS:

24 Q. Mr. Duff, could you please state and spell your name for
25 the record?

J. DUFF - Direct Examination

169

1 A. James Duff. J-a-m-e-s. C is my middle initial. Duff.
2 D-u-f-f.

3 Q. Thank you, sir.

4 Mr. Duff, did you -- are you the person who decided to
5 ban Professor Woodcock from the law school building?

6 A. It wasn't my decision alone. There was a collaboration
7 and some of it was attorney -- I would say attorney/client
8 privilege conversations, but it involved more than just me.

9 Q. You --

10 A. Are you talking about just -- I'm sorry. Ask the
11 question again, please, because I'm -- I -- are talking about
12 the investigation or just been banning him from the building?

13 Q. I'll ask it again, Mr. Duff.

14 Are you the University of Kentucky official who banned
15 Professor Woodcock from the law school building?

16 A. Yes.

17 Q. Okay. And when you banned Professor Woodcock from the
18 law school building, why did you do that?

19 A. Well, as I indicated in the letter that we sent to him,
20 it was pending this, an investigation and it was for his own
21 benefit and those of the students based on allegations that
22 have been made.

23 Q. It was for Mr. Woodcock's benefit that you banned him
24 from the law school building?

25 A. In part, and as well as the students.

J. DUFF - Direct Examination

170

1 Q. What about the banning of Professor Woodcock from the law
2 school building was for Professor Woodcock's benefit?

3 A. Well, the nature of the allegations that had been made
4 about Professor Woodcock's statements and behaviors, the use
5 of university property were, in the view of many, in a
6 volatile environment that required investigation.

7 Q. And it was your decision to ban him from the building,
8 correct?

9 A. Well, I didn't -- I didn't do that unilaterally, alone;
10 but there was collaboration and discussion about doing it,
11 yes.

12 Q. You had the authority to decide?

13 A. I had the authority to do that, yes.

14 Q. And you're the one that decided to exercise your
15 authority to ban him from the law school building, correct?

16 A. Yes. After consultation with others. I had been on the
17 job about ten days at that point.

18 Q. And when you banned Professor Woodcock from the building,
19 was there something about what Professor Woodcock was doing
20 inside of that building that led you to enact that ban?

21 A. Didn't know. That's part of the investigation.

22 Q. So when you banned Professor Woodcock from entering the
23 law school building, you weren't sure whether or not the
24 underlying conduct had anything to do with inside of that
25 building?

J. DUFF - Direct Examination

171

1 A. No. That's not what I said.

2 Q. Go ahead.

3 A. There is an investigatory process when allegations are
4 made of the nature that were made in this matter. And the
5 university protocol that I had been informed about and asked
6 questions about -- I asked several questions before taking
7 such action -- that this was the norm and university protocol
8 for investigations of the nature based on the allegations that
9 the university had received.

10 Q. Your understanding was that if there is an investigation,
11 then the professor is banned from the building?

12 A. It depends on the nature of the allegation.

13 Q. So it's not the case that just because there is an
14 investigation, that a professor has to be banned from the
15 building, correct?

16 A. That's probably -- I'm sure that's right.

17 Q. Okay. So in some cases, you ban a professor from the
18 building and other cases you don't, right?

19 A. Yes.

20 Q. Is that a judgment call?

21 A. Sure.

22 Q. Okay. So I'm asking about your judgment now --

23 A. Correct.

24 Q. -- Mr. Duff.

25 A. Yes.

J. DUFF - Direct Examination

172

1 Q. What about Professor Woodcock's facts led you to make the
2 judgment that he couldn't be in the building while you were
3 investigating?

4 A. The nature of the allegations that had been made about
5 his statements and behavior posed a risk, if true -- if were
6 accurate. That's the whole reason for the investigation, was
7 to determine whether these were accurate or not. The
8 allegations that have been made by others.

9 And for the safety of the students, given the nature of
10 the allegations -- and his own safety for that matter --
11 because we do live in a pretty volatile time, as you know.

12 Q. Was there any allegation that you were aware of when you
13 banned Professor Woodcock from the building that regarded
14 something he did inside the building?

15 A. Were any of the allegations -- yes. I mean, they were
16 allegations, there were concerns raised by many individuals
17 that the statements that were allegedly made would have --
18 could have -- could occur in the classroom and elsewhere.

19 Q. Right. Okay. So what was the evidence that you had when
20 you banned Professor Woodcock from the building that he had
21 made some statement that was of concern to you inside
22 building?

23 A. I don't know about inside the building. I think that
24 there were questions raised about that.

25 Q. So you didn't have any evidence at all when you decided

J. DUFF - Direct Examination

173

1 to ban Professor Woodcock from the building that --

2 A. No. I didn't say I didn't have any evidence at all. I
3 said there were allegations when, if accurate, would have led
4 a reasonable person to -- for the safety of all concerned,
5 until an investigation could be conducted -- which we hoped
6 would have been swift.

7 But as you've heard testimony today, it hasn't been as
8 swift as we had originally hoped it would be so we could get
9 to the bottom of it and resolve the matter.

10 Q. What did you think Professor Woodcock had done inside the
11 law school building at the time that you banned him from the
12 law school building?

13 A. Well, some of the statements that was, he had allegedly
14 made, if made in the classroom, would have been very
15 intimidating to students and would have created a hostile
16 environment.

17 Q. Did you have evidence that he had, in fact, made those
18 kinds of statements inside --

19 A. That --

20 Q. -- classroom?

21 A. -- as I said before, that was the nature of the
22 investigation. Let's see what the facts are.

23 Q. So you didn't have any evidence --

24 A. We took precautionary measures. We took precautionary
25 measures to protect all concerned --

J. DUFF - Direct Examination

174

1 Q. Yeah.

2 A. -- and that was one of them.

3 Q. Mr. Duff, I'm going to --

4 A. That is correct.

5 Q. -- insist --

6 A. Well, you go ahead.

7 Q. I apologize. I'm going to insist on an answer to this.

8 THE COURT: Well, hang on second, counsel.

9 MR. ABBAS: Yes.

10 THE COURT: Slow down.

11 MR. ABBAS: Yes, sir.

12 THE COURT: If you'll slow down and allow the witness
13 to answer your question, I'm sure he'll do that.

14 MR. ABBAS: Yes, sir.

15 THE COURT: And don't talk over each other because if
16 you do, we're going to get one person's statement or testimony
17 from the court reporter.

18 MR. ABBAS: You're absolutely right. I apologize.

19 THE COURT: Oh, well, thank you.

20 MR. ABBAS: Just a reminder to myself. I appreciate
21 that, Your Honor.

22 BY MR. ABBAS:

23 Q. Did you ever hear, before you banned Professor Woodcock,
24 that he had said something critical about Israel inside the
25 law school building?

J. DUFF - Direct Examination

175

1 A. Did I ever hear it?

2 Q. Yes. Yourself.

3 A. I never heard him say it.

4 Q. Yes. So you've never heard Professor Woodcock say inside
5 the law school building something critical of Israel, correct?

6 A. I have never heard that.

7 Q. Yeah. Okay. Now, talking about July 18th, 2022, that's
8 when you ban Professor Woodcock from the building, correct?

9 A. Yes.

10 Q. When you ban Professor Woodcock from the building, had
11 you heard about Professor Woodcock making critical statements
12 about Israel inside the law school building?

13 A. There were allegations made and concerns raised about --
14 about that.

15 Q. About him making --

16 A. Yes.

17 Q. -- and the allegation -- and what was the -- what did he
18 say in the law school building? What did you hear that he had
19 said in the law school building?

20 A. Well, they were allegations of -- from people who had
21 heard him speak who had raised concerns about whether he
22 was -- if he was doing this in the law school.

23 Q. So there was concerns that might be doing it --

24 A. That's correct.

25 Q. -- in the law school.

J. DUFF - Direct Examination

176

1 Was there evidence that he had done it in the law school?

2 A. I had not seen any at that point.

3 Q. You had not seen any evidence, prior to banning
4 Professor Woodcock from the law school, that he had said
5 anything critical about Israel inside the law school, correct?

6 A. I had not seen any evidence.

7 Q. And had you heard about any evidence --

8 A. I had heard allegations and I had read allegations or
9 concerns raised about it.

10 Q. Concerns that he might have, not concerns that he had?

11 A. That's -- that's probably fair, yes.

12 Q. Got it. Okay.

13 MR. ABBAS: Your Honor, if it's all right, I would
14 like to approach the witness just as a --

15 THE COURT: Yes, sir, you may.

16 BY MR. ABBAS:

17 Q. Do you recognize 278, 279 as President Capilouto's
18 letter?

19 A. Yes, a message from President Capilouto.

20 Q. Was the first time that you saw this letter when you
21 received it by email?

22 I'm sorry. Let me back up. That was a bad question.

23 Did you receive this letter by email?

24 A. I -- I did, yes.

25 Q. Okay.

J. DUFF - Direct Examination

177

1 A. I saw this letter on email.

2 Q. When you received it by email, was that the first time
3 that you learned about this letter?

4 A. No. It was not.

5 Q. So before receiving President Capilouto's letter, you
6 already knew that it was coming?

7 A. Yes. Some communication about this would be coming.

8 Q. And you had communication with President Capilouto
9 himself about this letter?

10 A. Well, I'm not going to disclose attorney/client
11 privileged communications.

12 Q. Is Mr. Capilouto your attorney?

13 A. No. But there was an attorney present in conversations I
14 may have had.

15 THE COURT: It's not necessary that you reveal those
16 communications.

17 THE WITNESS: Thank you.

18 THE COURT: Yes.

19 BY MR. ABBAS:

20 Q. Did Mr. Capilouto tell you to ban Professor Woodcock from
21 the law school building?

22 A. Did President Capilouto? No, he did not.

23 Q. Had you already made the decision to ban
24 Professor Woodcock by the time that this letter came out?

25 A. I had asked many questions about practices, protocols,

J. DUFF - Direct Examination

178

1 procedures, involved in a matter of this nature. I asked many
2 of the very same questions that Professor Woodcock has been
3 asking. And I was assured that there was a process and
4 procedure available for investigations of this sort. And part
5 of that process and procedure was to remove -- not the
6 professor entirely from his or her duties -- but to take the
7 individual out of the classroom and in the building, in some
8 circumstances. There is precedent for it.

9 And so I followed university policies and precedent for
10 it. And I did not act unilaterally in that regard. As I
11 mentioned, I'd been in the position that I currently hold for
12 about ten days. So naturally, I had a lot of questions.

13 Q. So -- yeah.

14 A. So that's my answer.

15 Q. Let's take a look at the letter.

16 Do you see that first line where it says, "We have been
17 made aware of allegations of disturbing conduct."

18 Do you see that?

19 A. Yes. Yes.

20 Q. How did it come to your attention that there was an
21 online petition that Professor Woodcock had authored?

22 A. I had seen -- I had seen evidence of that, and I also
23 received -- was receiving a few emails on almost a daily
24 basis about Professor Woodcock's conduct at the -- and in
25 seminars and so forth.

J. DUFF - Direct Examination

179

1 Q. So there was some -- was this in July of 2025 that you
2 had starting receiving --

3 A. Yes.

4 Q. -- emails about Professor Woodcock?

5 A. Yes.

6 Q. And who was --

7 A. It was -- would you say that again?

8 Q. Was it July of 2025 when you started receiving these
9 emails?

10 A. Yes, when I started as the interim dean.

11 Q. Okay. And who was sending you, in July of 2025 before
12 President Capilouto's letter gets issued, these emails about
13 Professor Woodcock?

14 A. They came from individuals and professors who had
15 attended the seminars that had been reviewed earlier in
16 today's testimony.

17 Q. Okay.

18 A. They came from other individuals and outside interests
19 who are concerned about the University of Kentucky.

20 Q. You said it came from "outside interests."

21 What do you mean by that?

22 A. Individuals who were concerned about the University of
23 Kentucky.

24 Q. Like who?

25 A. Like? Pardon me?

J. DUFF - Direct Examination

180

1 Q. Like who? Who --

2 A. I don't know --

3 Q. -- contacted you?

4 A. -- the names. I didn't keep a list of names.

5 Q. Do you know their organizational affiliations?

6 A. I don't know of any particular organizational
7 affiliation. I do know that the -- that a few were professors
8 who were in attendance at the seminars in which -- the
9 antitrust seminar, for example.

10 Q. So some professors contacted you in July 2025 about
11 Professor Woodcock's comments?

12 A. Yes, they sent emails.

13 Q. But there were people that were not professors that
14 contacted you, correct?

15 A. I assume there were some. I didn't really pay close
16 attention to their, you know, the bylines.

17 Q. And there were people that were not affiliated with the
18 university that contacted you?

19 A. Some. Well, they could have been alum. They could have
20 had children there, students at the university. I don't know.
21 I didn't call them up and ask them.

22 Q. It wasn't students of Professor Woodcock that contacted
23 you, correct?

24 A. Those emails were not, no.

25 Q. So the people that contacted you in July of 2025 to

J. DUFF - Direct Examination

181

1 complain about Professor Woodcock, were not

2 Professor Woodcock's students, correct?

3 A. I did not hear from any of the students at that point in
4 time.

5 Q. Were the people that you heard from in July of 2025
6 before President Capilouto's letter goes out, faculty at
7 University of Kentucky?

8 A. I don't recall any faculty at the University of
9 Kentucky --

10 Q. So you don't recall --

11 A. -- contacting me at that point.

12 Q. Apologize. I'm doing it again.

13 A. Well, that's all right. I'm getting used to it.
14 I'm sure she doesn't like it either.

15 Q. So the emails that you received -- the complaints, the
16 original complaints that you got about Professor Woodcock were
17 not -- you don't recall any of them being from University of
18 Kentucky faculty or the University of Kentucky students,
19 correct?

20 A. Not at that time, that's correct.

21 Q. Okay. And you don't remember any of them being from
22 Professor Woodcock's students themselves, right?

23 A. Correct.

24 Q. Did you make the decision to take the classes away from
25 Professor Woodcock?

J. DUFF - Direct Examination

182

1 A. That was part of the protocols usually that -- that the
2 university follows in investigations of this nature, yes.

3 Q. Were you required by University of Kentucky rules to
4 remove Professor Woodcock from the classroom?

5 A. I don't know what you mean by "required," but I think
6 that under certain circumstances it would be reasonable to
7 take such actions, and this was one.

8 Q. So it is your judgment call to remove or to not remove a
9 professor from the classes they teach at the law school,
10 correct?

11 A. Yes.

12 Q. And in this case you exercised that discretion to remove
13 Professor Woodcock from the classroom, correct?

14 A. Yes.

15 Q. Okay. Why did you remove Professor Woodcock from the
16 classroom if the complaints about Professor Woodcock came from
17 neither University of Kentucky faculty nor University of
18 Kentucky students?

19 A. Because if the allegations made in the communications
20 that were sent to us were true and accurate, it would have
21 created a hostile environment for students. And we took
22 action to investigate it and see if there was anything more to
23 it and to inquire of students.

24 I think it would be -- would have been negligent,
25 frankly, not to have taken such action in the current

J. DUFF - Direct Examination

183

1 environment given the allegations, the nature of the
2 allegations that have been made, to allow for an individual to
3 continue to operate as if nothing had happened or nothing was
4 wrong or --

5 Now, after the investigation, if the investigation turns
6 up that he didn't make any such statements in the classroom --
7 which I hope is the case -- then, you know, he's back in the
8 classroom. We'll see where the investigation leads, if we can
9 get it concluded.

10 Q. What is -- right now, before you launched the
11 investigation, you said it was focussed on whether he had made
12 these statements in the classroom.

13 A. I'm sorry. Say that again.

14 Q. Is one part of the investigation regarding whether he
15 made such statements --

16 A. Yes, of course.

17 Q. -- in the classroom?

18 A. The investigator would talk to students, interview
19 students, as I believe she's done, and ask if they have ever
20 felt intimidated or -- or felt a hostile environment in his
21 classroom. That's part of the investigation.

22 Q. Why didn't you do that before taking his classes away?

23 A. Well, we tried. I mean, the --

24 Q. You talked to the students before?

25 A. Well, part of the investigation -- the investigation

J. DUFF - Direct Examination

184

1 ended up -- there was some possibility it could have been
2 concluded before classes started and he could have been
3 reinstated.

4 But not -- at the time, we had to make the decision. You
5 had fall classes coming in, within a month. And so the
6 question was: You know, do you allow the status quo to
7 continue, or do you investigate and remove a potentially
8 hostile environment?

9 We thought it was in the best interest. We/I made the
10 ultimate judgment call, as you keep pressing me on. But I
11 didn't act alone. It was my judgment. It was my authority to
12 do so. But I did it in consultation with very experienced
13 people throughout the university and administrators who have
14 conducted these things time and time again.

15 And they're not unusual, is what I was told. And this is
16 how we proceed. So I followed the protocols and for the
17 safety of those involved, including the professors.

18 Q. What were the protocols that you were following to
19 determine weather to remove Professor Woodcock from the
20 classroom?

21 A. The protocols were in practice in various colleges
22 throughout the university system. These investigations take
23 place when there are allegations of the nature made. This was
24 an extreme one, frankly.

25 But there are other allegations that have been made

J. DUFF - Direct Examination

185

1 within the university, as I understand it; again, I haven't
2 been in this position all that long.

3 But in the medical school, it was -- it happens.
4 Allegations get made about certain professors, doctors, and
5 they remove them temporarily until an investigation proceeds
6 and concludes.

7 And my understanding, usually -- and what I expressed at
8 the time -- was I hope we can do this swiftly. It is in the
9 best interest of the university, the best interest of the
10 Professor Woodcock, and the best interest of the students do
11 this swiftly.

12 All we got, as I understand it, because I -- at the point
13 of initiating the investigation, I'm removed from that
14 situation. It is not my investigation. It is not the dean's
15 responsibility. We have an investigator doing it.

16 Q. Who decided to launch the investigation?

17 A. This was, again, protocols or practices within the
18 university that is -- that have been followed.

19 Q. Somebody decided to do an investigation or not do an
20 investigation. Right?

21 You don't do -- my understanding --

22 A. Yeah. That would be logical. Yes. Somebody decided to
23 do an investigation.

24 Q. Were you that person that decided to do an investigation
25 of Professor Woodcock?

J. DUFF - Direct Examination

186

1 A. It was part of a collaborative process I would say.

2 Q. Was it your authority in deciding to --

3 A. Well, I don't think the appointment --

4 Q. -- (indiscernible) investigation?

5 A. Well, I did not appoint the investigator.

6 Q. Sir, this is just for the court reporter's benefit. I
7 know it's not a normal conversation. Just wait until the very
8 end of the question for the court reporter's sake.

9 You did not decide to launch the investigation; is that
10 right?

11 A. No, I did not decide to launch the investigation. It was
12 not my sole decision to launch an investigation and what I --

13 Q. Whose --

14 A. -- what I asked was what are the -- what are the normal
15 practices in a situation like this?

16 Q. Whose decision was it to launch an investigation?

17 A. I assume counsel for the president, for the university --

18 Q. Okay.

19 A. -- and others who were involved in the deliberations.

20 Q. And it wasn't your decision to launch an investigation,
21 correct?

22 A. Well, it's not a yes or no answer.

23 Q. So in part it was your decision to launch the
24 investigation?

25 A. Well, as I've mentioned before, I asked what were the

J. DUFF - Direct Examination

187

1 normal -- what are the normal processes, procedures involved
2 in a situation like this. In certain circumstances
3 investigations are conducted.

4 In my view, I thought that it was wise to have an
5 independent investigator involved. So I was in agreement.
6 Although I don't recall being involved in a specific
7 conversation about that, but I was in agreement with the
8 decision to pick an independent investigator.

9 Q. Okay. Let's look at the -- the end of that first
10 sentence in the President Capilouto letter where it says, "An
11 online petition calling for the destruction of a people based
12 on national origin."

13 Do you see that you?

14 A. Yes.

15 Q. Do you -- did you read Professor Woodcock's Petition for
16 Military Action Against Israel?

17 A. Did I read it --

18 Q. Yes.

19 A. -- or have I read it?

20 Q. Have you read it?

21 A. I have seen it, yes.

22 Q. Did you read it prior to deciding to ban
23 Professor Woodcock from the law school building?

24 A. I don't recall the timing on that.

25 Q. Did you read it prior to taking away Professor Woodcock's

J. DUFF - Direct Examination

188

1 classes?

2 A. I'm sure that I saw it before, you know, those decisions
3 were made.

4 MR. ABBAS: And, Your Honor, can I introduce -- not
5 introduce, but show him an exhibit that was already marked as
6 Defendants' Exhibit 3?

7 THE COURT: Yes, sir. You may.

8 BY MR. ABBAS:

9 Q. Just before we get to this, just to close out the last
10 bit.

11 Who else besides yourself was involved in the decision to
12 launch an investigation of Professor Woodcock?

13 A. Well, there was the counsel's office of the university,
14 and then the provost and president. I mean, the whole
15 infrastructure of the administration of the university.

16 Q. It was a decision taken at the highest level of the
17 university, correct?

18 A. Yes.

19 Q. And all right. So in this petition, Defendants'
20 Exhibit 3, Petition for Military Action Against Israel, have
21 you seen this document before?

22 A. I think I've seen it in a different format. I think I
23 saw it as an attachment to an email.

24 Q. Okay. You see where -- the first sentence in the
25 Capilouto letter says it's "an online petition calling for the

J. DUFF - Direct Examination

189

1 destruction of a people based on national origin."

2 Is that a reference to this petition?

3 A. Let's see. I don't know. I assume so.

4 Q. Where in -- well, is there anything in

5 President Capilouto's letter that you disagree with or think
6 is not true?

7 And you can take a look at it if you like.

8 A. Do you want me to read the whole thing? I mean, why
9 don't you ask your question because I mean, I'm familiar with
10 his -- his letter. I didn't think there was anything in it
11 that was untrue, if that's your question.

12 Q. Yes. That is exactly my question.

13 And then so what is -- that first line that says the
14 "online petition calling for the destruction of a people based
15 on national origin."

16 Where in the Petition for Military Action Against Israel
17 does it call for the destruction of a people?

18 A. Well, I think it is impossible to eliminate the state of
19 Israel without destroying a people.

20 Q. Have you -- have you read Professor Woodcock's analysis
21 of what the end of Israel might look like?

22 A. In these documents, or where?

23 Q. In any of Professor Woodcock's --

24 A. No, I have not.

25 Q. -- published --

J. DUFF - Direct Examination

190

1 You haven't read about what he thinks that the end of
2 Israel would involve?

3 A. I have -- I have heard about, read, and saw references to
4 it, yes.

5 Q. Are you familiar with his position that, in fact, a
6 decolonized state in that area that Israel is in now would
7 include Jewish people?

8 A. Am I familiar with --

9 Q. With --

10 A. -- whether the destruction of Israel would include Jewish
11 people?

12 Q. No, sir. Let me try that question again.

13 Are you familiar with Professor Woodcock's analysis that
14 if Israel does end --

15 A. Yes.

16 Q. -- that there would still be --

17 A. Jewish people?

18 Q. -- Jewish people --

19 A. Excuse me for interrupting.

20 Q. -- in that state? In a decolonized state.

21 You didn't read that part?

22 A. Are you asking me if Professor Woodcock is advocating the
23 destruction of all Jewish people? I don't know.

24 I mean, the destruction of Israel would entail the
25 destruction of many Jewish people.

J. DUFF - Direct Examination

191

1 Q. Are you saying that Jewish people can't survive without
2 Israel? Is that the point you're making?

3 A. I'm not making that point.

4 Q. Okay.

5 A. I'm answering your question.

6 Q. Then tell me what you mean when you said that.

7 A. I just did. I just told you.

8 THE COURT: I think I understand. I think I
9 understand your answer.

10 THE WITNESS: Thank you, Judge.

11 THE COURT: Please move on.

12 MR. ABBAS: Yes.

13 BY MR. ABBAS:

14 Q. Are professors at University of Kentucky allowed to
15 criticize foreign governments?

16 A. Yes, they were.

17 Q. Are they allowed to criticize our own government?

18 A. Yes, they are.

19 Q. Are there any special rules about how they can criticize
20 Israel?

21 A. There are no special rules that I'm aware of that single
22 out Israel. There are special rules about using university
23 property and listservs to express political viewpoints.

24 Q. Okay.

25 A. There is a prohibition against that.

J. DUFF - Direct Examination

192

1 And the investigation that we are having conducted was to
2 determine also, in part, whether university property,
3 facilities, resources were being used improperly to espouse
4 political viewpoints.

5 So there is a universal rule: Whether it applies to
6 Israel, Russia, or questions that occurred earlier -- to all
7 professors that you are not to use university listserv or
8 property and resources to espouse your personal political
9 viewpoints. That is correct.

10 Q. We'll get to the property piece in a second.

11 Are there any views at University of Kentucky that
12 professors can't express?

13 A. Are there any views that...I'm unaware of any prohibition
14 against views that professors cannot express; unless, of
15 course, they're dangerous comments.

16 I mean, the First Amendment, I'm big advocate of. But it
17 has its limitations on expression that is harmful, racist, for
18 example.

19 Q. Is it against University of Kentucky rules to express a
20 racist view?

21 A. Yes, I'm sure it is.

22 Q. In every case it's always against the university's rules
23 to say something racist?

24 A. I don't -- I don't really the understand the question.
25 "In every case." What do you mean? What cases? What?

J. DUFF - Direct Examination

193

1 Give me example. Give me an example of a case where it
2 wouldn't be.

3 Q. If a professor expresses a view let's say about
4 affirmative action and another professor believes that that
5 position is racist, is that a violation, potentially, of
6 campus rules?

7 A. Well, I'm sure these exchanges they were described
8 earlier in the day in testimony may well have occurred.

9 Whether they're against university policy or not is
10 irrelevant for purposes of this case because the interest
11 involved here are whether university property was used.
12 Listservs were used to express political viewpoints.

13 That is improper.

14 Q. So --

15 A. In the hypothetical that you just gave me doesn't involve
16 that.

17 Q. Okay. So --

18 A. So the exchange that was -- that had been described
19 earlier in the day in testimony, did not violate the listserv
20 policy.

21 Those are the issues that I am aware of that are being
22 investigated.

23 Q. So it's --

24 A. And the use of university computers and resources such as
25 funding for travel to these seminars and so forth, that's what

J. DUFF - Direct Examination

194

1 is being investigated.

2 And the reason for that is the university has a policy
3 against that because the taxpayers of Kentucky should not have
4 to fund someone's personal viewpoints that they take around
5 the country or around the world, for that matter.

6 Q. Do you believe -- are you making a distinction between
7 Professor Woodcock's personal views and academic views? Is
8 that why you are using the personal views phrase?

9 A. His personal and political views.

10 Q. So, again, can law faculty use their University of
11 Kentucky email to share their academic work on listservs?

12 A. To share their academic work, yes.

13 Q. And you just don't consider Professor Woodcock's work on
14 Israel/Palestine to be academic work?

15 A. It wasn't. These are political statements that have been
16 made.

17 Q. Where do you draw that line between
18 Professor Woodcock's --

19 THE COURT: Counsel, I'm going to have to stop you --

20 MR. ABBAS: Yes, Your Honor.

21 THE COURT: -- at this point. You're basically just
22 badgering and arguing with the witness about points that are
23 not before the Court at this time.

24 Now, this witness is now Dean of the university. Was
25 hired shortly before these matters occurred. He's indicated

J. DUFF - Direct Examination

195

1 he was here for a few days. He had some meetings and he
2 followed protocol at the university in making decisions about
3 not allowing the plaintiff access to the law school.

4 It's not a discovery deposition. There are four issues
5 that I'm going to be looking at in determining whether
6 injunctive relief should be issued in the case.

7 If I find that there should be injunctive relief, one of
8 the factors I'm going to be looking at is: Has there been
9 irreparable harm to the plaintiff.

10 You haven't shown me an a nickle's worth of harm at this
11 point. You didn't ask your client about it when he testified.

12 I'm going to have to decide issues about, if I do issue
13 injunctive relief, what kind of a bond would be necessary.

14 And, quite frankly, you're convincing me if I do issue
15 injunctive relief, it's going to be a pretty high bond.

16 I'm becoming more skeptical the more I hear from your
17 side of the case.

18 Now, you can continue to badger this witness, if you want
19 to, about things that he doesn't really know about because he
20 was only on the job for a few days, you can do that. I'll
21 give you time to do that, as much time as you want.

22 What's the old saying? I'll give you a shovel with a
23 handle, you can dig as long as you want to. That's what
24 you're doing.

25 Now, we have got some issues to discuss in this case, and

1 we have got -- what is it, quarter to 3:00 at this point?

2 So you are going to need to decide, do you want to
3 continue to badger this witness or do you want to get to the
4 meat of this case? We have been since the 9:30.

5 We haven't gotten to the issues yet that I need to
6 decide.

7 MR. ABBAS: Thank you.

8 THE COURT: So we're going to take a short recess.
9 I'm going to allow you all to think about what you want to do.

10 You want to save some time to make some arguments on
11 this? How many pages did you file in advance of this hearing?
12 Last Friday afternoon? A thousand?

13 MR. ABBAS: I'm not sure, Your Honor, what the total
14 --

15 THE COURT: I think the Plaintiff's exhibits with the
16 attachment was over 800 pages. So probably well over a
17 thousand pages that I've been digging through.

18 So you can take a practical approach in the case or you
19 can take an academic approach in the case. Continue to dig
20 and badger about things that are not really going to be
21 pertinent to the decision that I'm going to have to make.

22 So I'm going to give you 15 minutes to make that
23 decision. So we'll be in recess for 15 minutes.

24 (Recess from 2:45 p.m. until 3:00 p.m.)

25 THE COURT: We'll continue with the hearing in Ramsi

1 Woodcock versus University of Kentucky and others.

2 Lexington Civil Action 25-442.

3 Dean Duff is still on the witness stand.

4 You may continue with your examination.

5 MR. ABBAS: Thank you, Your Honor.

6 We'll pass the witness.

7 THE COURT: Thank you.

8 Any additional questions?

9 MR. BEAUMAN: No questions, Your Honor.

10 MR. CLARK: No questions, Your Honor.

11 THE COURT: Thank you. Plaintiffs indicated they
12 were calling three witnesses.

13 Mr. Beauman, based upon the testimony presented, do you
14 wish to present any testimony or other evidence at this time?

15 MR. BEAUMAN: No, sir.

16 THE COURT: I'll ask counsel for the remaining
17 parties.

18 Any additional proof that you would like to offer?

19 MR. CLARK: No, sir.

20 THE COURT: All right.

21 In that event, we will proceed with arguments on the
22 plaintiff's motion for injunctive relief.

23 I will give plaintiff 25 minutes for argument and you can
24 have five minutes for rebuttal.

25 I'll give defendants the same amount of time for initial

1 arguments and also five minutes for surrebuttal.

2 I'll hear from plaintiffs at this time.

3 MS. KAPITAN: Thank you, Your Honor.

4 This case is about whether the constitution allows the
5 political elite to dictate the contours of academic discourse
6 of its faculty and their speech about matters of public
7 concern.

8 Specifically, the university has attempted in this case
9 to turn Israel and Zionism into protected classes under Title
10 VI. There is no such protected class under that statute.

11 Professor Woodcock requests injunctive relief with
12 respect to Counts 1 and 2, which are his First Amendment and
13 due process claims.

14 I would like to emphasize that these claims are only
15 against officials of the University of Kentucky and this --
16 the injunctive relief plaintiff seeks is only against those
17 officials acting in their official capacities.

18 So plaintiff seek injunctive relief against President
19 Capilouto; General Counsel, Thro; Provost, Mr. DiPaola; and
20 College of Law, Dean Duff.

21 THE COURT: Does your client have clean hands in your
22 case?

23 MS. KAPITAN: I'm sorry?

24 THE COURT: Does your client have cleans hands by
25 virtue of delaying the investigation before its completion?

1 MS. KAPITAN: Your Honor, my client contends that the
2 investigation is illegitimate, but he has cooperated with the
3 investigation.

4 So initially he, through his attorneys, was trying to get
5 a better understanding of the nature of the allegations; and
6 then he, himself, through his attorneys, interviewed
7 witnesses, submitted recordings, audio recordings, video
8 evidence, a number of affidavits and has -- has actually not
9 refused to engage in the investigation.

10 THE COURT: But one of the items of relief that you
11 are seeking is basically to prevent the university from
12 completing its investigation.

13 MS. KAPITAN: Correct, with respect to the
14 First Amendment count.

15 THE COURT: So you're not seeking to stop the
16 university from completing the investigation as to any other
17 issues?

18 MS. KAPITAN: He is seeking through the
19 First Amendment count to --

20 THE COURT: Let me stop you here.

21 MS. KAPITAN: Yes.

22 THE COURT: You say that no, you are only limiting --
23 you're only attempting to limit the university with respect to
24 the first count.

25 But you are attempting to stop the investigation

1 completely.

2 MS. KAPITAN: Right. So that is one of the --

3 THE COURT: All right.

4 MS. KAPITAN: -- forms of relief he seeks.

5 THE COURT: So one of the forms of relief you are
6 seeking is injunctive relief to prevent the university from
7 completing an investigation per its normal procedures?

8 MS. KAPITAN: Right. What he is arguing is that the
9 investigation is an attempt to make him conform politically
10 and is not any good-faith investigation into any university
11 policy.

12 THE COURT: Right. I understand that's your
13 argument.

14 But you haven't shown any bad faith on the part of the
15 university at this point.

16 MS. KAPITAN: Well --

17 THE COURT: So the second item you're looking for --
18 the second item of relief that you are requesting is to have
19 him returned to the classroom?

20 MS. KAPITAN: Correct, and also to return to the
21 College of Law building.

22 THE COURT: That's the third area. I'm talking about
23 the second area, which is resuming classroom responsibilities.

24 MS. KAPITAN: Correct.

25 THE COURT: Does he have a due process right to teach

1 in the classroom as long as his other rights have not been
2 eliminated?

3 MS. KAPITAN: Yes, Your Honor. And we have submitted
4 precedent saying that, which I would be happy to address.

5 So the contours of a property interest of a public
6 employee are defined by state law, created by state rules
7 according to *Board of Regents of State Colleges versus Roth*,
8 408 U.S. 564.

9 And we're here, the College of Law policies designate
10 teaching as a core part of tenured faculty positions. And
11 that's in the College of Law policy attached to the
12 Bird-Pollan Declaration, the former associate dean at the law
13 school.

14 So there have been property interests found in comparable
15 cases.

16 There was a case in the Sixth Circuit in 2009, Court of
17 Appeals, *Gunasekera v Irwin*. That's 551 F.3d 461. And in
18 that case, the court held that a professor's status in the
19 graduate faculty and his advising privileges were protectable
20 interests. So, again, the professor wasn't terminated, but
21 was simply removed from the graduate faculty and removed from
22 advising graduate students.

23 That was found to be protected interests for which due
24 process was required, the removal of which had to be pursuant
25 to due process. And --

1 THE COURT: What was the specific allegation against
2 that professor in that case?

3 MS. KAPITAN: Your Honor, we do address that case in
4 the brief. I do not recall the allegation.

5 That case also cites to a number of other losses of
6 employment privileges that it says are protected policy --
7 that recognizes protected property interests, including a
8 reduced teaching load, loss of advising privileges.

9 So, essentially, what *Gunasekera* is saying is that
10 removal of major terms or privileges of employment are
11 protected property interests for tenured faculty.

12 Courts have also found reassignments to be deprivations
13 of property interests.

14 So what we're saying is that the tenured position
15 consists not only of the title and of the salary, but the
16 terms of conditions of the appointment.

17 And as the *Hulen v Yates* case said that -- this is the
18 Tenth Circuit, 322 F.3d 1229 -- the position consists of,
19 quote, unanimous, custom, and practice of the university,
20 unquote.

21 So here at the College of Law, the practice and custom of
22 the university, as reflected in the College of Law policy that
23 we submitted, is that faculty teach.

24 And so we absolutely agree that it's within the authority
25 of the dean to determine specific teaching assignments. But

1 it's not within the authority of the dean to say this
2 professor can teach and this one can't absent some kind of
3 imminent harm pursuant to their policy that's also not
4 violating constitutional rights.

5 A prolonged suspension has also been deemed a deprivation
6 for due process purposes.

7 There is a case that defendants cites in its brief,
8 *Parate v Isibor*, this is a Sixth Circuit 1989 case for the
9 proposition that property interest in a faculty position does
10 not extend to teaching classes.

11 In that case, the case didn't deal with a tenured
12 professor. And the proposition was that there is no
13 constitutional right to teach a specific class.

14 So here, plaintiff, he's a tenured professor, in
15 contrast. And he is seeking reinstatement to teaching, not
16 the right to teach a particular class. He's just asking the
17 College of Law to engage in whatever procedures it normally
18 engages in to determine who should teach what classes.

19 So the question is whether he can teach at all.

20 And so once there is a property interest, there should be
21 some kind of predeprivation process.

22 THE COURT: Doesn't that depend upon the nature of
23 what has been taken away from the plaintiff?

24 MS. KAPITAN: It does, Your Honor.

25 THE COURT: I mean, certainly if he were terminated,

1 your argument with regard to a pretermination hearing would be
2 much stronger under case law.

3 MS. KAPITAN: I acknowledge there is some nuance.
4 So you're right. There is no categorical rule.

5 But as a general rule -- I'll get into more specifics --
6 the standard root requirement of the due process is, quote --
7 and "root requirement" is a quote also from the case.

8 The standard root requirement is, quote, an opportunity
9 for a hearing before an individual is deprived of any
10 significant property interest.

11 That's in the *Hieber* case. Sixth Circuit. 2025.
12 136 F.4th, 308.

13 And so according to that case, predeprivation process can
14 only be circumvented in extraordinary situations where a
15 predeprivation process is not feasible because there is a
16 special need for very prompt action.

17 In our brief, we submitted some examples of such
18 extraordinary circumstances.

19 THE COURT: Well, I'm really concerned in this case
20 that the length of this investigation is due primarily to
21 actions taken by the plaintiff. I'm really concerned about
22 that.

23 MS. KAPITAN: Well, the problem is that the
24 suspension doesn't have to follow from the investigation,
25 right?

1 So let's say the university is investigating something
2 within its authority to investigate. It could investigate
3 without suspending the professor.

4 And, in fact, they have a policy which says that
5 something else is required before you can just suspend the
6 professor. So there is no -- no one has testified and there
7 is no document that says that suspensions are automatic
8 pursuant to an investigation, even investigations into Title
9 VI.

10 So the question is whether there was some extraordinary
11 circumstance that necessitated suspension in this case.

12 So what defendants say is that when there are allegations
13 of misconduct, the Sixth Circuit has permitted suspension or
14 reassignment of faculty members during investigations.

15 And they cite to the *Kaplan* case from 2021. In *Kaplan*
16 the employee had an administrative position, chair. He was
17 chair, and served, quote, served at the pleasure of the board
18 of trustees. So there was no tenured position at issue.

19 And in that case, there were particular circumstances
20 that the court found necessitated some kind of immediate
21 action. And those were that he allegedly made large
22 unauthorized expenditures of more than \$300,000 of university
23 money, that the administration addressed it with him and he
24 refused to reassure the administration he would exercise
25 responsible financial control. And this was in a time when

1 the university was in financial crises.

2 So there, there was an imminent need potentially hundreds
3 of thousands of dollars that could be lost.

4 THE COURT: Well, let me stop you. Let me ask you
5 this question. It's a simple question.

6 Is it your position that a tenured professor at the
7 University of Kentucky, his duties, teaching duties -- his or
8 her -- cannot be taken away until there has been a
9 predeprivation hearing?

10 MS. KAPITAN: Correct. Except under extraordinary
11 circumstances.

12 THE COURT: So, for example, if a professor is
13 accused of raping a student in a particular building, in a
14 dorm or in a classroom, the university has to continue with
15 that professor in the classroom until such time as there has
16 been an predeprivation hearing?

17 MS. KAPITAN: That might be such an extraordinary
18 circumstance that would warrant a suspension.

19 THE COURT: See, I just asked you. There are
20 exceptional circumstances.

21 MS. KAPITAN: Right. Yes, there are.

22 THE COURT: The defendants are arguing, in fact,
23 there are exceptional circumstances here.

24 MS. KAPITAN: Well, they haven't identified any
25 exceptional circumstance about his teaching that would warrant

1 suspension. In fact, there is no allegation that has been
2 identified at all about any impropriety in teaching or even
3 any impropriety in the law building.

4 Go ahead, Your Honor.

5 THE COURT: Well, the university points out -- or
6 Dean Duff pointed out that you have to consider the
7 circumstances where we are right now in this country and the
8 violence that is occurring across campuses throughout the
9 country and making a decision as to whether students are safe.

10 And the hypothetical I'll just give to you is: If you
11 were a Jewish student, or a person, a student with family
12 members in the state of Israel, would you feel comfortable
13 attending a class with the plaintiff?

14 MS. KAPITAN: There has been no allegations that
15 this --

16 THE COURT: Based upon his published articles.

17 MS. KAPITAN: Well, whether or not I feel comfortable
18 would have nothing to do with whether he is constitutionally
19 permitted to say something.

20 So the Supreme Court precedent emphasizes that, that
21 discomfort is really not the issue.

22 THE COURT: I'm talking about the safety of students.

23 MS. KAPITAN: Right.

24 THE COURT: Because you've offered all of these
25 affidavits from these students that say he's a cool guy

1 because he took me on this trip to Cincinnati and Louisville.

2 MS. KAPITAN: Well, I guess, I guess there is the
3 absence of evidence.

4 THE COURT: So you've given me affidavits from people
5 that I would expect, if they're followers of his, that you
6 would get favorable affidavits.

7 I'm concerned about the other students, the silent
8 students, that maybe are afraid to take his classes or even
9 afraid to enroll in the university after reading some of this
10 stuff.

11 MS. KAPITAN: Well, there is no evidence that he
12 threatened violence against any students. There is no
13 evidence that he has a violent propensity. There is no
14 evidence that he advocated for --

15 THE COURT: Yeah. He wants to destroy a country. He
16 just says he doesn't want to destroy the people within the
17 country.

18 Don't you think that's kind of foolish?

19 MS. KAPITAN: He's advocating for military
20 intervention against a country.

21 I mean, military invention -- intervention in response to
22 a genocide.

23 THE COURT: International military intervention
24 against a country.

25 MS. KAPITAN: Right. International military

1 intervention that such as what our country has engaged in, in
2 response to genocide.

3 So it's within the realm of acceptable scholarly and
4 political discourse to advocate for military intervention in
5 response to genocide.

6 Our country has engaged in it. Scholars engage in
7 debates about it all the time. And that's different than
8 saying, I want to hurt students or taking any action that
9 would harm students, whether physically or otherwise under
10 Title VI.

11 THE COURT: So don't you see or can't you understand
12 how individuals that are Jewish or that have families in
13 Israel would feel like advocating for destruction of Israel
14 would be the second Holocaust?

15 MS. KAPITAN: Well, there are many Jewish people who
16 don't think that advocating for dismantling of the state of
17 Israel is --

18 THE COURT: That's perfectly acceptable under the one
19 definition that you're challenging in the case. The
20 definition that became part of an Executive Order in 2019. It
21 certainly has exceptions that allow what you just indicated.

22 MS. KAPITAN: There is no evidence that
23 Professor Woodcock has advocated for a second Holocaust.

24 And I'm sorry. I don't understand the question about the
25 Executive Order.

1 THE COURT: You've taken issue with the fact that the
2 defendants and the Commonwealth of Kentucky have adopted a
3 definition of anti-Semitism. It's the working definition from
4 the International Holocaust Remembrance Act.

5 MS. KAPITAN: Right. So the provisions in that
6 definition that the Plaintiff objects to are the ones that
7 prohibit criticism of Zionism Israel, and that's very
8 different than --

9 THE COURT: Tell me how that's the case.
10 Anti-Semitism is a certain perception of Jews, which may be
11 expressed as hatred toward Jews. Rhetorical and physical
12 manifestations of anti-Semitism are directed toward Jewish or
13 non-Jewish individuals and/or their property toward Jewish
14 community institutions and religious facilities.

15 MS. KAPITAN: Your Honor, I believe we identified the
16 portions of the definition that we said are in violation of
17 the constitution and they consist of the examples.

18 For example, the one that --

19 THE COURT: Examples aren't part of the definition,
20 ma'am.

21 MS. KAPITAN: The document --

22 THE COURT: Examples are not part of the definition.

23 MS. KAPITAN: The whole document is called "The
24 Working Definition of the anti-Semitism." Included in it are
25 examples.

1 THE COURT: The examples may be used as evidence of
2 the discriminatory intent.

3 MS. KAPITAN: Right. And so the University of
4 Kentucky policy incorporates those examples as --

5 THE COURT: No.

6 MS. KAPITAN: -- potential evidence if discriminatory
7 intent.

8 THE COURT: No, it doesn't.

9 I'm looking at Senate Joint Resolution. It does not
10 mention the examples at all.

11 MS. KAPITAN: I'm talking about the University of
12 Kentucky policy, which incorporates the whole working
13 definition of anti-Semitism.

14 And the definition includes -- lists examples.

15 So it says, this is the general prohibition. And
16 contemporary examples of anti-Semitism are the following,
17 Include, but not limited to, and then it provides for a number
18 of statements, some of which relate to the criticism of Israel
19 or Zionism.

20 THE COURT: "The following examples may be useful as
21 evidence of discriminatory intent in determining whether an
22 individual has, in fact -- whether their conduct constitutes
23 anti-Semitic activity."

24 Correct?

25 MS. KAPITAN: Yes. And contemporary examples of

1 anti-Semitism include -- and then those include the three
2 examples we identified: Such as drawing comparisons of
3 contemporary Israeli policy to that of the Nazis. That's
4 under University of Kentucky policy now anti-Semitism.

5 And it was only after adoption of that definition that
6 the university took issue with -- investigated and suspended
7 Professor Woodcock for his statements, which it was aware of
8 prior to the enactment of this policy.

9 Your Honor, if I may, I would like to address what you
10 raised earlier about irreparable harm.

11 THE COURT: Yes, ma'am.

12 MS. KAPITAN: I would like to emphasize that
13 irreparable harm exists when there is any kind of punishment
14 for speech or any kind of preclusion from engaging in speech.

15 So what the *Elrod v Burns* case says -- that's
16 427 U.S. 347, 1976 -- is that "If a constitutional right is
17 being threatened, a finding of irreparable injury is
18 mandated."

19 So whenever there is a violation of a constitutional
20 right, irreparable harm results.

21 And here Professor Woodcock is being banned from doing a
22 major aspect of his job. And so that's, in itself, a
23 punishment. He also testified that teaching is one of the
24 ways that he engages with his subjects as intellectual
25 interests and one of the core ways that he learns about the

1 subject matters that he teaches. And so now he's being
2 precluded from doing that.

3 There is no rule that an employee has to be completely --
4 that the employee completely silences themselves in order to
5 establish a First Amendment violation.

6 So the question is whether for -- whether there is a
7 likelihood that a reasonable person would be dissuaded from
8 making a particular kind of speech, and that's the adverse
9 action standard.

10 Elaborating a bit on our contention that
11 Professor Woodcock's speech is academic speech. It is
12 unremarkable scholarly discourse that a war against a country
13 committing genocide is justifiable and necessary.

14 And I'll note the *Noto v United States* case,
15 367 U.S. 290 (1961), in which the court said, "The mere
16 abstract teaching of communist theory including the teaching
17 of the moral propriety or even moral necessity for a resort to
18 force and violence is constitutionally protected."

19 And Professor Woodcock is hardly the only professor at
20 the university, or member of the university, to have engaged
21 in advocacy for political violence, including war.

22 It's on university websites, as we said in our brief.
23 Raising money for the Ukrainian military to oppose the Russian
24 invasion of Ukraine and that is not presumed to be genocide
25 against the Russian people. It's advocating for war in order

1 to address a specific alleged international crime or harm,
2 which, in that case, is the invasion of Ukraine.

3 THE COURT: So if I disagree with the plaintiff in
4 terms of his definition of genocide and believe, in fact, that
5 perhaps genocide was committed against a group of Jewish
6 people on October 7, 2023.

7 If I take those two things as assumptions. Genocide on
8 that date, under the plaintiff's theory, would that, then,
9 give rise to nation-states across the world taking action
10 against those that committed those atrocities on that date?

11 MS. KAPITAN: So in order words, our nation-states --

12 THE COURT: Take it one step back because
13 Professor Woodcock only seems to recognize genocide occurring
14 under his definition after October 7th, and it can't be
15 committed by what he would call a "colonial power."

16 If I assume that's wrong, that his determination that
17 only certain groups can commit genocide is wrong, that anyone
18 can do that -- under his definition that he's used, the
19 definition that he gave me --

20 MS. KAPITAN: I think he recognizes -- yeah. I mean,
21 these are professor -- perhaps questions for
22 Professor Woodcock.

23 But I don't think he thinks that genocide is --

24 THE COURT: Well, he wanted to dance around the
25 question that I asked. That's why I'm asking you.

1 MS. KAPITAN: Okay. Well, so first of all, I don't
2 think that he's being investigated for having made statements
3 justifying October 7th.

4 Does he believe that other statements -- other nations or
5 entities other than colonial entities can commit genocide,
6 yes. He acknowledges that there is a legal definition for
7 genocide. And if a group meets those, the definition, then it
8 is engaging in genocide.

9 THE COURT: So if Israel decided not to respond after
10 October 7th, would countries -- and assuming that it was
11 genocide that occurred -- would countries across the world
12 have a responsibility to take military action to prevent
13 further genocide?

14 MS. KAPITAN: I believe he does say that countries
15 have a responsibility to protect against genocide.

16 THE COURT: And that would be against those
17 individuals who committed the genocide on October 7th?

18 MS. KAPITAN: Whatever military intervention is
19 necessary for ending the genocide, presumably.

20 THE COURT: All right.

21 MS. KAPITAN: I see that I'm at 25 minutes. I'll
22 reserve my last five minutes for rebuttal.

23 Thank you.

24 THE COURT: Thank you.

25 Mr. Beaman.

1 MR. BEAUMAN: Thank you. I'll try to be brief and
2 happy to address any questions.

3 The *Gunasekera* case that was mentioned here earlier I
4 think it is important for a couple of reasons. The facts of
5 that case was apparently, there was some academic frankly
6 cheating or plagiarism going on. There was an investigation
7 conducted. As a result of that investigation, multiple
8 faculty members had different aspects of their employment
9 restricted, including that plaintiff. That occurred after the
10 investigation occurred.

11 The focus of that -- as I read the opinion, the focus of
12 that case was on the liberty interest and the name clearing
13 hearing, which he never requested. That is what the court
14 dealt it.

15 It was a tenured faculty member who because of his years
16 of service was able to supervise graduate students in their
17 thesis work. But what *Gunasekera* really touches on -- and I
18 think Judge Moore says this in her opinion -- is that the
19 expectation was created not by a contract, not by a written
20 document, not by that university's -- I believe that was Ohio
21 University -- not by their administrative regulations. But
22 instead on Professor Gunasekera's expectations, which were
23 driven by the policy and practice of that university.

24 And the court even notes that -- I believe it says at
25 oral argument -- that the attorney for the university admitted

1 that they had never taken that action before.

2 So that's important for today for two purposes, I think,
3 Your Honor.

4 First, Professor Woodcock did not offer any evidence as
5 to what his expectations were. He has produced no document.
6 We know none exists. But he didn't give you what his
7 understanding of the university's policy and practice was.

8 More importantly, the evidence that you have heard from
9 the university, both in the papers and the testimony today, is
10 the common practice of the university to remove employees from
11 teaching positions when investigations like this happen.

12 Another reason that I think *Gunasekera* is important is
13 the Sixth Circuit also addressed it in *Kaplan*. *Kaplan* is a
14 case against the University of Louisville where the department
15 chair was removed from that position.

16 That follows the *Crosby* case. I would like to talk about
17 *Crosby* real briefly in just a second, which was a University
18 of Kentucky case.

19 But I think that *Kaplan* addresses *Gunasekera* and as we
20 read *Kaplan*, it tells us why *Gunasekera* would not control
21 here.

22 So as for this university, and this university's actual
23 policies, and this university's practices, I think there is
24 for sure two cases really on point -- arguably a third.

25 The two Sixth Circuit cases have noted that at the

1 University of Kentucky tenured faculty members do not hold
2 property interests in their tasks. They hold it in their
3 tenured employment. We have never taken a position otherwise
4 and would not take one with Professor Woodcock.

5 If his tenure status becomes up for debate at some point
6 in time, he will receive all of that due process that he is
7 entitled to under the university regs.

8 First case is *Crosby*. *Crosby* was a department chair who
9 was removed as chair. The Sixth Circuit affirmed this court's
10 ruling, that he held no protective property interest in a
11 department chair.

12 The second case were two oral maxillofacial surgeons
13 within the College of Dentistry holding a joint appointment on
14 the meds side of the university. The Sixth Circuit noted that
15 within their clinical assignments, their ability to see
16 patients, they held no constitutionally protected property
17 interest.

18 THE COURT: I'm sorry. Which case was that again?

19 MR. BEAUMAN: That's -- yes. I'm sorry. Yes.

20 That's *Cunningham* and *Shehata v Blackwell*.

21 Dr. Blackwell is the prior provost.

22 The third case you may see in your research -- probably
23 not as relevant -- but it touches on it, is *Ryan v Blackwell*.
24 That originated not before you, but also here in this court.
25 It was a unique situation.

1 That professor was also removed from teaching that was
2 involved in the suit. That's not what the actual claim was
3 about, that involved -- he claimed that giving him due process
4 was in retaliation for him seeking due process. But that case
5 was dismissed here and also affirmed by the Sixth Circuit.

6 So as for this university, and its policy and its a
7 faculty and its practices, certainly there can be a
8 reassignment and in here it's a temporary reassignment.

9 The preliminary injunction factors, Your Honor,
10 respectfully, I don't think any of the four have been met.
11 Obviously, I know the third and the fourth are blended
12 together.

13 Let me start with what is maybe the most important. They
14 have to show a strong likelihood of success on the merits.

15 On the -- there is a due process claim in here. I think
16 it is more tied to the liberty interests. He's never
17 requested a name clearing hearing.

18 As you noted, as the evidence is clear, Dr. Capilouto
19 never mentioned Mr. Woodcock by name.

20 Actually, in fact, Your Honor, the Plaintiff's
21 Complaint -- I believe it is paragraph 118, specifically
22 pleads that President Capilouto did not mention
23 Professor Woodcock by name.

24 But they have not shown a strong likelihood of prevailing
25 on a deprivation of due press as it relates to the liberty

1 interest.

2 As to the speech, that's not an easy question to answer.
3 It's going to be difficult as to what is protected speech.

4 THE COURT: Well, I know you talk about in your
5 motion to dismiss the three areas.

6 MR. BEAUMAN: Right.

7 THE COURT: So I want to focus in on the third area.

8 MR. BEAUMAN: *Pickering?*

9 THE COURT: No. The third area of speech. I'm
10 looking at page 3, I think of your motion to dismiss.

11 This does go to the injunctive relief issues and the
12 definition --

13 MR. BEAUMAN: Sure.

14 THE COURT: -- that we're talking about here.

15 You say that, "Even if Professor Woodcock was speaking as
16 a private citizen, even if his speech does not constitute
17 harassment, it is necessary to strike a balance between the
18 interest of Professor Woodcock as a citizen and commenting
19 upon matters of public concern and the interest of the
20 university as an employer in promoting the efficiency of the
21 public services that it performs through its employees."

22 I'm not sure that that is an issue in this case simply
23 because the notices that were filed in this case take that out
24 of the equation. They say, these letters say we're not
25 looking at anything that you said as a private citizen.

1 So how does it apply here?

2 MR. BEAUMAN: I think because -- I think it would
3 apply based on my assumption as to what the arguments I was
4 going to hear from the plaintiff's counsel in pursuing this
5 case.

6 True. When he's speaking on behalf of the university,
7 we're looking what the *Garcetti* analysis is.

8 THE COURT: I'm looking at the July 22nd letter
9 that's been the subject of quite a bit of testimony here.

10 MR. BEAUMAN: Yes, Your Honor.

11 THE COURT: Ms. Thompson.

12 I'm looking at page 2 after the bullet points.

13 MR. BEAUMAN: Yes, Your Honor.

14 THE COURT: "To be clear, the university is not
15 investigating any viewpoints or speech expressed in your
16 personal capacity."

17 MR. BEAUMAN: Correct. And what I think she means by
18 that is, she is looking at what his conduct is. And it's not
19 going to be his expressive conduct. It's not going to be
20 conduct that is going to be protected by the First Amendment.

21 It is how he has, using university resources in order to
22 speak, whether that be the use of the computer, the use of the
23 university listserv, being engaged in the law professor
24 listserv, or traveling on the university's dollars.

25 And, interestingly, I heard today -- first time I had

1 heard it. I don't know if it's been in the realm of this
2 conversation since July.

3 What I think I heard Professor Woodcock say was that he
4 did not use university money to pay for his George Mason trip.
5 Now, that's something he can tell Ms. Thompson and she will
6 then look at what that means in the grand scheme of things.
7 There may have been a few ways that came about. He may not
8 have asked to do it. He may have asked and gotten turned
9 down; or George Mason, as part of inviting him, may have paid
10 for him to come.

11 I don't know those things. That's part of what the
12 investigation would probably address. And certainly, as
13 Mr. Woodcock has the opportunity -- Professor Woodcock has the
14 opportunity to make any legal arguments he wants to, which
15 Ms. Thompson noted at last, in her last question in the
16 December 1st letter, then he can tell her that and say, Look,
17 that takes my speech out of university speech because I'm not
18 speaking by the university. The university is not paying for
19 me to do that.

20 So I do agree, Your Honor, that this very well may be a
21 case that this isn't speech. That's not how they have pled
22 it, and so maybe I jumped ahead assuming that we were going to
23 be going through *Garcetti*, *Connick*, *Myers*, and then *Pickering*
24 balancing test to land on that.

25 There has not been a strong likelihood -- a showing of a

1 strong likelihood of success either in the papers or the
2 testimony you've heard today because they have not proven it's
3 speech that's being investigated. It's conduct that's being
4 investigated as it is laid out in the letter.

5 There is an interesting case, it's about two months old,
6 three months old. Came out in September from the Sixth
7 Circuit *Patterson v Kent State*. It is cited in a couple of
8 our documents. It's 155, F.4th, 635.

9 A professor at Kent State goes on a multi-week long
10 Twitter tirade attacking multiple administrators at the
11 university.

12 And as the Court notes, maybe you can pick one Tweet here
13 and one Tweet there, and that might be constitutionally
14 protected in isolation.

15 But when you look at the entire ad hominem attack, which
16 would amount to harassment under most any definition, it was
17 not held to be protected speech.

18 With the lack of a strong likelihood of success showing,
19 we also have to look to adverse action.

20 There has not been an adverse action here.

21 THE COURT: Let me ask you a question.

22 MR. BEAUMAN: Yes, sir.

23 THE COURT: Is there difference between adverse
24 action in the context that we're discussing and adverse
25 employment action, the cases that deal with employment --

1 basically employment law.

2 MR. BEAUMAN: So the difference between First
3 Amendment retaliation and would be retaliation under the
4 Title VII, Title IX.

5 There is a small difference, I would say. We look at
6 what is a chilling effect. When you look at what could be
7 retaliatory under Title VII, that's very much closer to what
8 would be a First Amendment argument.

9 But all of those cases are going to look at what's the
10 permanency, not this immediate remedial measure. And so would
11 it have a chilling effect if, at the end of the day, an
12 employee is found to have found X, and a governmental employer
13 takes Y action. That's a different test than whether along
14 the way as we're investigating what we did. So we kind of
15 have to separate those two out.

16 There is not going to be a ton of guidance out there on
17 that. That's in part why we established the qualified
18 immunity argument in our motion to dismiss. I don't mean to
19 argue that now.

20 So there is a distinction to draw between the temporary
21 remedial measures while we attempt.

22 But with the ample case law that there is that
23 reassignment of job task is not an adverse action.

24 Full pay. Full employment benefits. All of those
25 retirement. It's not just a match, it is an extra up

1 contribution that the university makes. All of that has been
2 made.

3 And I think what is also important, too -- and this kind
4 of blends among all the factors -- he's clearly engaged in
5 protected speech since July 18th. He's done it on the faculty
6 listserv. He's done it on his website. He's done it on
7 Twitter. Those are just a few examples.

8 He's not been told to stop. He has engaged in all of his
9 protected speech. He has continued to criticize the
10 investigation, as well as speak about his viewpoint on Israel
11 and Palestine.

12 So he's had no infringement of those speech rights.

13 There is no irreparable harm to that because he has been
14 paid. At best, he's, like, I'm not teaching last semester.
15 I'm not teaching this semester. I'm not going to be teaching
16 in the spring. I'm not in the building.

17 That's not irreparable harm. That can all be addressed.
18 What he's talking about there is what he perceives as the
19 retaliation. It is not the denial of his rights.

20 In the equities -- and I realize the third and fourth
21 factors are balanced together. The university has an interest
22 in following its legal obligations. It has an interest in
23 seeing through the investigation. It has to address this
24 complaint, the next one, the one that may come down.

25 THE COURT: Ordinarily, if the Court does find that

1 there is a constitutional violation that's occurred, then that
2 lessens the weight that is given to those third and fourth
3 factors because we assume -- there is a presumption of the
4 public interest would favor not violating constitutional
5 law --

6 MR. BEAUMAN: Right.

7 THE COURT: -- or areas of law.

8 MR. BEAUMAN: Absolutely. But in no context does one
9 control over the other. It is floating weight. I think
10 they're still relevant, though. And it's particularly so when
11 we're trying to conduct an investigation and we -- we won't
12 turn over a laptop for six weeks. We won't give witnesses for
13 a couple of more months.

14 We're objecting to the investigator. When we get to the
15 questions that took an hour to answer, our immediate response
16 is, we're not going to meet your deadline. We're going to
17 come file for preliminary injunction, and so that's put off.
18 And now we are from December 1st, when it was given to him, to
19 December 19th. This could have been all -- that part of it
20 could have been done two weeks ago.

21 So those are all relevant in the balancing of equities
22 that you let the investigation start. You somewhat thwart it.
23 You somewhat delay it. I think you can argue you're kind of
24 intimidating your faculty witnesses. Don't go talk to her,
25 come talk to me first, that way I know what you're saying.

1 All of those things are still relevant. Maybe they don't
2 control the overwhelming weight, but I still think they're
3 important for the court to entertain in its equity.

4 And I'm not trying to argue your the notion for
5 abstention, but so much of this is overlaced with each other;
6 whether it's the plaintiff's conduct over the last five
7 months. We've had this ongoing state proceeding. We want to
8 see it through.

9 Any deprivation of due process that he speaks about, this
10 is a robust form right now. It gets even greater if, after
11 the investigation the university were to take more permanent
12 disciplinary action and he's participated in it this long.

13 And maybe he's caused delay and maybe things could have
14 been quicker, but why was this motion not filed in July? Why
15 was it not filed in August? So we have the meeting and it
16 launches and witnesses start being interviewed and we're
17 turning over documents in October. No motion then.

18 Why are we waiting until December when he finally gets
19 the question.

20 With that, Your Honor, we don't think any of the factors
21 have been met.

22 THE COURT: Let me ask a couple of additional
23 questions, if I could.

24 In terms of the argument that you just made about the
25 abstention -- I know that's subject to a separate motion.

1 But isn't university investigation of a professor that's
2 tenured, similar to a bar associate -- a bar association
3 investigation of an attorney?

4 MR. BEAUMAN: I believe it is, Your Honor.
5 Absolutely.

6 THE COURT: *Deters v The Kentucky Bar Association.*

7 MR. BEAUMAN: Absolutely.

8 THE COURT: When this court did address the issue of
9 abstention in the context of an injunction.

10 I believe there is another case involving a professor
11 from Transylvania University. I'm not sure it's been cited in
12 any of the parties materials.

13 MR. BEAUMAN: I didn't cite that one. I know another
14 one I did see was a teacher with a Kentucky professional --
15 I'm going to mess up the board -- the Kentucky Educators
16 Professional Standards Board -- where Judge Van Tatenhove did
17 abstain while those proceedings were going on.

18 Candidly, I think that had gone beyond the initial
19 investigation stage, but same --

20 THE COURT: With regard to the university. I'm going
21 to change the facts a little bit in giving you this
22 hypothetical because I asked the question earlier about
23 exceptional circumstances that would justify taking someone
24 out of the classroom -- not terminating their employment, but
25 taking them out of the classroom while the investigation

1 continues.

2 But has the university faced a situation, such as with a
3 swimming coach that is accused of committing some pretty
4 serious offenses. If he argues First Amendment you're trying
5 to take action against me because of something that I said,
6 does that mean the university can't investigate? And if so,
7 what happens when the investigation, when the university
8 doesn't investigate, and there are lots of lawsuits filed
9 later in terms of what the university's responsibility was.

10 Can you address that?

11 MR. BEAUMAN: Yes.

12 THE COURT: Without addressing a specific case.

13 MR. BEAUMAN: Hypothetical.

14 Yes. There is that context where if this is a
15 First Amendment, it's about something that is pure speech,
16 right? And I'm going to claim it's protected and all of the
17 sudden we have to shut down the investigation.

18 Multiple things there that would be concerning to the
19 university. Its obligations under Title IX or Title VII are
20 going to be based -- well, under Title IX, they're going to be
21 based on have I been deliberately indifferent?

22 So if I get a complaint. I get a call. I get an email
23 that comes in and I just say, we're just going to ignore this
24 because this is speech and, therefore, it's First Amendment,
25 and then there is a subsequent act of harassment.

1 Absolutely. There is going to be a claim there for
2 liability under the deliberative indifference standard.

3 Outside of that context, let's put it on the medical the
4 campus side. Patient makes a complaint about a physician. A
5 young girl makes a complaint about her pediatrician.

6 Is the university supposed to allow that physician to
7 continue to see patient after patient without addressing it at
8 all because somehow what he said to that patient would have
9 been protected speech.

10 The university has to have the ability to restrict
11 certain tasks that its employees are doing while it
12 investigates. And that actually protects the respondent, as
13 well, Your Honor.

14 And that is an important interest to the university
15 because if there are allegations that are baseless or
16 unsubstantiated, allowing that separation impacts the
17 integrity of the investigation and protects the witnesses and
18 protects the accused as well.

19 THE COURT: What is the legal obligation or legal
20 responsibility of the university if we have a professor who is
21 writing articles such as petitioning for military action
22 against Israel, and you have an individual that sees this as a
23 call to arms and sees this as a call to take action against
24 Jewish students and goes into a building with a firearm and
25 opens fire, and the university has not done anything in terms

1 of investigation.

2 What is the university's potential legal responsibility
3 under that scenario?

4 MR. BEAUMAN: Yeah. And so that could come in
5 multiple forms.

6 That could come through tort claims. That could come
7 through a Title VI claim. In that area, it's not to be
8 deliberately indifferent. Certainly any individual at the
9 university who was aware of that would have a duty to react to
10 that in some way.

11 If it's a known threat, in that type of situation, it
12 would be to call law enforcement. If there is some knowledge
13 about an individual -- and that's getting outside of that
14 realm -- but if there is some knowledge that somebody has been
15 subjected to abuse or neglect, there could be a duty to report
16 that. That comes from the school settings that we're all of
17 familiar with all of those types of situations.

18 But absolutely. There is multiple statutes and Kentucky
19 common law that is going to apply, that they're going to have
20 a duty to address that, particularly if it's a known threat.

21 THE COURT: All right. Thank you.

22 MR. BEAUMAN: Thank you, Your Honor.

23 THE COURT: We'll have some rebuttal at this point.

24 MS. KAPITAN: May I proceed, Your Honor?

25 THE COURT: Yes, ma'am.

1 MS. KAPITAN: So defense counsel mentioned the
2 *Patterson* case. *Patterson* is distinct from the facts here.
3 In that case, the faculty member made a number of tweets
4 with -- laced with profanity directed against specific
5 individuals and disparaging their sexual orientation and race,
6 specific officials at the university.

7 And so that was considered by the court not to relate to
8 matters of public concern, but rather personal and
9 inappropriate discourse. Therefore, didn't come within
10 First Amendment protection.

11 Counsel says that Plaintiff didn't show any evidence that
12 the university in suspending Professor Woodcock didn't follow
13 its standard policy and practice. In fact, in his brief he
14 did identify ways in which that violated their standard
15 policies and practices.

16 And we contend that its suspension -- its claim that it
17 is following policy is pretext.

18 Exhibit 12 to the Woodcock Declaration was the policy
19 that was in place regarding reassignment and suspension at the
20 time the Professor Woodcock was suspended.

21 And the university clearly violated that policy. They
22 were required to consult with a faculty committee and find
23 that there was some kind of specific harm threatened.

24 There is also -- then, subsequent to the suspension, the
25 university made a new interim suspension policy. That's

1 Exhibit 22 to Professor Woodcock's Declaration. It's Docket
2 Number 19-3, and it is on page 305. And that policy requires
3 a showing of a threat to the safety and well-being of others.

4 So it's simply not the case that it is standard to
5 suspend a professor being subjected to an investigation and
6 there has to be a specific finding that there is some kind of
7 threat to the safety and well-being of others.

8 And here, there was no bases to start the investigation
9 in the first place. We have heard testimony that there was no
10 indication -- no allegation -- even before he was suspended of
11 any mistreatment of students, even of any complaint by
12 students, even discomfort. There was no allegation of
13 mistreatment of students before the suspension was put into
14 place.

15 So it's a violation of policy and also there is no basis
16 even outside the policy that was alleged.

17 There was also a statement that Professor Woodcock,
18 because he used university resources, that it was the
19 prerogative of the administration to look into his speech and
20 punish his speech.

21 So the post-*Garcetti* cases every circuit Court of Appeals
22 which has considered this issue have determined that academic
23 speech does not fall within the *Garcetti* exception to First
24 Amendment Protection.

25 What that means is that faculty speech which is made with

1 university resources, can be constitutionally protected.

2 So the Sixth Circuit found that in *Meriwether*. The
3 Second -- Seventh Circuit found it in it *Kilborn*. That's 131
4 F.4th 550. That's a recent case, 2025.

5 The Ninth Circuit found it in *Demers v Austin*. 746 F.3d
6 402.

7 The Fourth Circuit found it in *Adams*. That's 640 F.3d
8 550.

9 So the fact that he may have been using university
10 resources, let's say, when posting to listservs, is simply not
11 determinative.

12 Furthermore, there is a technology policy, which is in
13 the record. Again, it's an exhibit. Exhibit 27 to
14 Professor Woodcock's declaration. And on page 4 of that
15 policy, which is Docket Number 19-3, page 365, it says,
16 "Incidental personal use is an accepted and appropriate
17 benefit of being associated with the university's technology
18 environment."

19 And there is evidence in the record, including in
20 declarations, that faculty members used university resources
21 all the time to communicate things that had nothing to do with
22 the university business, including political statements about
23 Black Lives Matter and other things.

24 THE COURT: Would it be protected if you had a member
25 of the Ku Klux Klan posting statements using university

1 resources?

2 MS. KAPITAN: Well, posting political statements --

3 THE COURT: Contrary to Black students.

4 MS. KAPITAN: It depends on the context of the
5 statements, I guess. The mere fact that it's the Ku Klux Klan
6 --

7 THE COURT: I'm assuming a Klan's person would make
8 very derogatory remarks toward Black students.

9 Let's assume that to be the case.

10 Could the university take action based upon that personal
11 use of a laptop?

12 MS. KAPITAN: Potentially. There is no evidence that
13 Professor Woodcock made any derogatory remarks to or about any
14 students. There is no evidence that he called for any kind of
15 action or violence against students.

16 He, in fact, vigorously, defends, according to his
17 testimony, in class the rights of students to speak.

18 THE COURT: This is the problem. The university has
19 not completed the investigation. Had the university completed
20 the investigation, that may be easier for you to say. You
21 could make that argument with more persuasion if I didn't have
22 any evidence to the contrary.

23 MS. KAPITAN: Well, Your Honor, the university has
24 been conducting this investigation for five months. According
25 to their brief, they interviewed 50 people.

1 If any such evidence had arisen --

2 THE COURT: Has the plaintiff responded to their 42
3 questions?

4 MS. KAPITAN: No, Your Honor. Not --

5 THE COURT: No, he's not -

6 MS. KAPITAN: No, he has not, but -

7 THE COURT: So please don't --

8 MS. KAPITAN: -- plaintiff has not --

9 THE COURT: Please don't -- please don't insult my
10 intelligence by assuming or attempting to convince me that
11 this investigation has been completed. It's not.

12 MS. KAPITAN: Your Honor, under *the Pickering*
13 balancing it's the university's duty to identify some kind of
14 harm to efficiency or otherwise.

15 The university, after interviewing 50 people, has not --
16 in its brief it does not identify any harm, any problem with
17 Professor Woodcock's speech. It just said there is a
18 theoretical possibility that he could be violating Title VI,
19 which they haven't discovered, apparently, because it hasn't
20 been identified in the brief.

21 And with that, I think I'm out of time, Your Honor.
22 Thank you for your time.

23 THE COURT: Yes, ma'am.

24 MS. KAPITAN: I would we like to -- if Your Honor
25 would allow it -- submit a supplemental brief regarding --

1 THE COURT: See, apparently -- were you here when we
2 started this morning?

3 MS. KAPITAN: I was.

4 THE COURT: Oh, okay.

5 So this is the way we're going to brief this. I'm taking
6 the motion for injunctive relief under advisement, which means
7 no more briefs.

8 MS. KAPITAN: Right.

9 THE COURT: Now, I am going to allow you to
10 completely brief the issue on abstention and the motion to
11 dismiss within the time allowed by the local rules.

12 MS. KAPITAN: I understand, Your Honor.

13 My question --

14 THE COURT: So in answer to your first question, no.
15 I already addressed that earlier today.

16 MS. KAPITAN: That wasn't my question.

17 THE COURT: No supplemental briefs.

18 MS. KAPITAN: So that wasn't my question.

19 THE COURT: Okay. I'm sorry. Ask your question.

20 MS. KAPITAN: Okay. So with regard to the motion to
21 abstain, there was -- the motion was filed yesterday. We
22 filed very quickly a response yesterday --

23 THE COURT: Yes, ma'am.

24 MS. KAPITAN: -- in case Your Honor wanted to rule on
25 it.

1 THE COURT: No. That wasn't set for hearing today.
2 So the defendants will have a chance to file a reply brief and
3 then it will be fully briefed.

4 MS. KAPITAN: Right. So what I'm asking is whether
5 Your Honor will allow us to amend the brief.

6 THE COURT: No.

7 MS. KAPITAN: We can do it by tomorrow.

8 THE COURT: No.

9 MS. KAPITAN: Okay. Thank you.

10 THE COURT: No. All right. Thank you.

11 Mr. Beauman.

12 MR. BEAUMAN: Nothing more, Your Honor.

13 THE COURT: Mr. Clark, you've been talking a lot
14 today.

15 Do you have a few more things that you would like to say?

16 MR. CLARK: Your Honor, I do appreciate the court's
17 courtesy to be able to be heard today, but nothing from me
18 today.

19 THE COURT: All right. Thank you.

20 The record should also reflect that the Plaintiff has
21 sought injunctive relief.

22 Now, we have one party, one defendant, that is not
23 present at this time. Secretary of the United States
24 Department of Education.

25 And I am certainly aware of that, and aware of the fact

1 that if injunctive relief is, in fact, granted in this case it
2 would not extend to the Department of Education and not having
3 a chance to appear and to be represented under Rule 65 of the
4 Federal Rules of Civil Procedure.

5 The parties should make sure that they have copies of the
6 exhibits that have been filed today for this hearing. I
7 believe that the defendants have given me two exhibits that
8 have been marked as exhibit -- I'm sorry, plaintiff.
9 Plaintiff's two exhibits that are Exhibits 1 and 2. And I
10 have Defendant Exhibits 1 through 11. So I do have copies of
11 those.

12 But counsel should make sure that you have you filed
13 copies in the record as well. Those will be the official
14 exhibits in this case.

15 This matter will be taken under advisement with the
16 motion for injunctive relief.

17 Other motions will be submitted upon full briefing under
18 the local rules and the court will be in recess.

19 (Proceedings adjourned at 3:55 p.m.)

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21 C E R T I F I C A T E

22 I, KIMBERLEY ANN KEENE, RMR, certify that the
23 foregoing is a correct transcript from the record of
24 proceedings in the above-entitled case.

25 /s/ Kimberley Ann Keene, RMR
KIMBERLEY ANN KEENE, RMR
Official Court Reporter

January 20, 2026
Date of Certification

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INDEX

PLAINTIFF'S WITNESSES

RAMSI A. WOODCOCK,
Direct Examination..... Page 7
Cross-Examination..... Page 50
Redirect Examination..... Page 120

SARAH MUDD
Direct Examination..... Page 143

JAMES DUFF
Direct Examination..... Page 168

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PLAINTIFF'S EXHIBITS

Exhibit	Description	Identified	Admitted
1	Notice of Investigation. 7/22	21	239
2	Amended Notice of Investigation	158	239

DEFENSE EXHIBITS

Exhibit	Description	Identified	Admitted
1	Correspondence. Thompson to Plf atty. 12/1.	55	65
2	Pledge to Defend Those Who Reject Zionism	63	65
3	Petition for Military Action Against Israel	73	73
4	Email Chain. October 1st	83	98
5	Email Chain. October 3rd.	90	98
6	Email Chain. October 16th.	93	98
7	Correspondence. Thompson to Childers. 8/25/25.	103	105

1	8	Correspondence. Childers to Thompson. 8/22/25	105	105
2				
3	9	Screenshot from RamsiWoodcock.net	112	112
4	10	X post. 7/20/25. Woodcock.	116	120
5	11	X post. 12/15/25. Woodcock.	117	120
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