

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CASE NO. 26-CI-01017
Electronically filed

RAMSI A. WOODCOCK,

Plaintiff

v.

UNIVERSITY OF KENTUCKY, *et al.*,

Defendants

**MOTION TO BE HEARD AS TO THE CONSTITUTIONALITY OF
2025 SENATE JOINT RESOLUTION 55
BY ATTORNEY GENERAL RUSSELL COLEMAN
ON BEHALF OF THE COMMONWEALTH OF KENTUCKY**

The Plaintiff has challenged the constitutional validity of 2025 Senate Joint Resolution 55 (“SJR 55”),¹ claiming that it violates Sections 1, 2 and 8 of the Kentucky Constitution. In a proceeding in which the constitutionality of a statute is at issue, the Attorney General is “entitled to be heard.” KRS 418.075(1); KRS 452.005(3); *see* KRS 15.020(3); *see also Commonwealth v. Hamilton*, 411 S.W.3d 741, 751 (Ky. 2013) (“[T]he Attorney General may participate in whatever manner he deems appropriate, subject to the trial court’s orders.”).

Therefore, under KRS 15.020 and KRS 418.075, the Commonwealth of Kentucky, *ex rel.* Attorney General Russell Coleman, moves to be heard in this action

¹ 2025 Ky. Acts ch. 157.

regarding the constitutionality of SJR 55,² and to file the attached motion to dismiss Count IX of the Plaintiff's complaint.

Respectfully submitted,

Russell Coleman
ATTORNEY GENERAL

/s/ Abigail G. Vicars

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ex rel. Attorney General Russell Coleman*

NOTICE OF HEARING

Please take notice that this motion will be heard by Division I of the Franklin Circuit Court on Friday, October 28, 2026, at 9:00 a.m., or as soon thereafter as counsel may be heard.

CERTIFICATE OF SERVICE

I certify that on October 9, 2026, a copy of the above was filed electronically with the Court and served through the Court's electronic filing system on all counsel of record.

/s/ Abigail G. Vicars

*Counsel for the Commonwealth of Kentucky
ex rel. Attorney General Russell Coleman*

² The Commonwealth does not seek to intervene in the case for all purposes under CR 24.01 or CR 24.02. Rather, the Commonwealth and the Attorney General's separate interest in this case, apart from the interests represented by the University of Kentucky, is only the defense of the statute's constitutionality.

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RAMSI A. WOODCOCK,

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Defendants

**COMMONWEALTH’S MOTION TO DISMISS
COUNT IX OF THE PLAINTIFF’S COMPLAINT**

The Commonwealth of Kentucky, *ex rel.* Attorney General Russell Coleman, moves to dismiss Count IX of the Plaintiff’s complaint, which challenges the constitutionality of 2025 Senate Joint Resolution 55 (“SJR 55”).¹ Contrary to the Plaintiff’s assertions, SJR 55 constitutionally directs the Commonwealth’s public postsecondary institutions to combat the rise of antisemitism on college campuses. SJR 55’s constitutionality should be upheld, and Count IX of the Plaintiff’s complaint should be dismissed.

BACKGROUND

The General Assembly passed SJR 55 after “incidents of antisemitism, including on Kentucky’s university campuses . . . reached record highs.” SJR 55 Pmbl.

¹ 2025 Ky. Acts ch. 157.

It found that “Jewish students are targeted for hate crimes at a higher per capita rate than students belonging to any other group,” and therefore adopted SJR 55 to ensure “Kentucky’s public postsecondary institutions [took] timely action” to address antisemitism at those institutions. *Id.* Specifically, SJR 55 requires

the governing board of each of Kentucky’s public postsecondary institutions [to] adopt policies to combat antisemitism within their institutions that use as guidance the definition of ‘antisemitism’ as established by the International Holocaust Remembrance Alliance [(“IHRA”)] and recognized in 2021 Regular Session Senate Resolution 67 and the institutions shall adhere to the First Amendment.

SJR 55 § 1.

Following his “writings on certain websites . . . conduct at academic conferences, and . . . other actions,” Compl. at 13 ¶ 43, including maintaining a petition calling for “every country in the world [to] make war on Israel immediately and until such time as Israel has submitted permanently and unconditionally to the government of Palestine from the Jordan River to the Mediterranean Sea,” *id.* at 11–12 ¶ 37, the University of Kentucky (“the University”) began investigating Plaintiff Ramsi A. Woodcock, a tenured professor at the University’s law school, and reassigned his duties to 100 percent professional development, *id.* at 1 ¶ 1. The University fears the Plaintiff “might ‘create a hostile environment for Jewish members of the university community or otherwise constitute harassment’” based on his conduct and accordingly reassigned his duties. *Id.* at 13 ¶ 43, 57.

The Plaintiff received a notice of investigation stating that the University’s “Policy on Discrimination and Harassment ‘incorporates the International Holocaust

Remembrance Alliance’s definition of anti-semitism.” *Id.* at 15–16 ¶¶ 48–49. The IHRA’s working definition of antisemitism is as follows:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.²

IHRA’s website also includes various examples of antisemitism that “may serve as illustrations” “[t]o guide IHRA in its work.” *Id.* The IHRA explains that “[m]anifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.” *Id.* It further explains that contemporary examples of antisemitism include “[d]enying the Jewish people their right to self-determination, e.g. by claiming that the existence of a State of Israel is a racist endeavor.” *Id.* The Plaintiff takes issue with IHRA’s definition of antisemitism. *See, e.g.*, Compl. at 32 ¶ 118.

SJR 55 specifically requires postsecondary institutions’ policies to include certain provisions, such as informing students of their rights, SJR 55 § 1(1), identifying Jewish groups that serve Jewish students as community resources to the same extent that other religious organizations are so recognized, *id.* § 1(2), disbanding student organizations providing material support to terrorist

² International Holocaust Remembrance Alliance, *available at* <https://holocaustremembrance.com/resources/working-definition-antisemitism> (last visited Sept. 1, 2026). The Kentucky Senate previously adopted the IHRA definition of antisemitism, quoting it in 2021 Senate Resolution (“SR”) 67 § 3. The Kentucky House of Representatives also adopted the IHRA definition, without quoting it, in 2021 House Resolution (“HR”) 41 § 3. Neither the Senate Resolution nor the House Resolution adopted in 2021 had the force and effect of law.

organizations, *id.* § 1(3), and collecting data about reported incidents of antisemitism on campus, *id.* § 1(4). The Plaintiff does not discuss any of these specific requirements of SJR 55. Instead, he only takes issue with SJR 55 pointing to IHRA’s definition of antisemitism “as guidance” to state universities. Notably, the IHRA definition has been adopted by 1,334 entities worldwide, including 47 national governments,³ and the U.S. Department of State.⁴ Using the IHRA definition as guidance helps ensure policymakers utilize a nationally and globally consistent definition of antisemitism.

Much of the Plaintiffs’ claims concern the University’s temporary reassignment of his duties and investigation into his conduct. *See* Compl., Counts I–VIII. However, Count IX specifically challenges the constitutionality of SJR 55. The Plaintiff argues that SJR 55 “serves as the predicate for public university policies—including the University of Kentucky’s antisemitism policy—used to suspend, ban, investigate, and threaten the termination of faculty members, including Professor Woodcock.” Compl. at 41 ¶ 167. The Plaintiff claims that SJR 55 “directs public universities to engage in viewpoint-based censorship,” is unconstitutionally overbroad, and chills protected speech in violation of Sections 1 and 8 of the Kentucky Constitution. *Id.* at 41–42 ¶¶ 168–170. The Plaintiff also claims that SJR 55 is unconstitutionally vague under Sections 2 and 8 of the Kentucky Constitution. *Id.* at 42 ¶¶ 171–72.

³ Combat Antisemitism Movement, *available at* <https://ihra.combatantisemitism.org/> (last visited Sept. 1, 2026).

⁴ U.S. Department of State, *Defining Antisemitism*, *available at* <https://www.state.gov/defining-antisemitism> (last visited Sept. 1, 2026).

But SJR 55 only directs Kentucky’s public postsecondary institutions to adopt policies to combat antisemitism—it does not regulate speech. And requiring postsecondary institutions to adopt such policies, defining what those policies must include, and implementing reporting requirements are not arbitrary exercises of legislative power. Accordingly, SJR 55 is constitutional, and so Count IX of the complaint should be dismissed.

STANDARD

A court may grant a motion to dismiss where “it appears the pleading party would not be entitled to relief under any set of facts which could be proved in support of his claim.” *Netherwood v. Fifth Third Bank, Inc.*, 514 S.W.3d 558, 563 (Ky. App. 2017) (quoting *Pari-Mutuel Clerks’ Union of Ky., Local 541 v. Ky. Jockey Club*, 551 S.W.2d 801, 803 (Ky. 1977)). While a court must liberally construe the pleadings “in a light most favorable to the plaintiff” and take all allegations in the complaint as true, *id.* (quoting *Littleton v. Plybon*, 395 S.W.3d 505, 507 (Ky. App. 2012)), whether a pleading party is entitled to relief “is purely a matter of law” and requires no factual determination. *James v. Wilson*, 95 S.W.3d 875, 883–84 (Ky. App. 2002).

ARGUMENT

“It is uncontroverted that a statute is presumed to be constitutional unless it clearly offends the limitations and prohibitions of the Constitution.” *Cameron v. EMW Women’s Surgical Ctr., P.S.C.*, 664 S.W.3d 633, 661 (Ky. 2023) (citation omitted). In mounting a facial challenge to a statute, the Plaintiff faces a hefty burden, as a facial challenge is “the most difficult challenge to mount successfully, since the challenger must establish that *no set of circumstances exists* under which the Act would be valid.”

Commonwealth v. Frazier, 722 S.W.3d 541, 547 (Ky. App. 2025) (citation omitted; emphasis added). Count IX of the complaint fails to meet this high bar.

The Plaintiff claims SJR 55 “serves as the predicate for public university policies—including the University of Kentucky’s antisemitism policy—used to suspend, ban, investigate, and threaten the termination of faculty members, including [the Plaintiff].” Compl. at 41 ¶ 167. But SJR 55, a joint resolution “directing Kentucky’s public postsecondary institutions to combat antisemitism,” merely directs Kentucky’s public postsecondary institutions to “adopt policies to combat antisemitism within their institutions *that use as guidance* the definition of ‘antisemitism’ as established by the International Holocaust Remembrance Alliance [‘IHRA’].” SJR 55 § 1 (emphasis added). Adopting such policies and ensuring students of all backgrounds feel safe while attending Kentucky public universities does not violate the Kentucky Constitution.

I. Count X is barred by the claim-splitting doctrine.

The Plaintiff filed a federal lawsuit on November 13, 2025, challenging the same University actions challenged here under federal law. *See Woodcock v. Univ. of Ky., et al.*, No. 5:25-cv-00424-BJB (E.D. Ky. 2025). That federal district court has supplemental jurisdiction over each of the Plaintiff’s claims presented here under 28 U.S.C. § 1367(a). Kentucky courts recognize the concurrent jurisdiction, or exclusive concurrent jurisdiction, doctrine, which “essentially prevents the same parties from litigating the same issues in two courts by giving priority to the court that first properly acquired jurisdiction over the parties and their dispute.” *Beshear v. Ridgeway Props., LLC*, 647 S.W.3d 170, 177 (Ky. 2022); *see also Akers v. Stephenson*,

469 S.W.2d 704, 706 (Ky. 1970) (citation omitted) (“It is a well settled rule that where the parties and the subject matter are the same, once a court of concurrent jurisdiction has begun the exercise of that jurisdiction over a case, its authority to deal with the action is exclusive and no other court of concurrent jurisdiction may interfere with the pending proceedings.”).⁵ “The exclusive concurrent jurisdiction doctrine avoids contradictory decisions regarding the same controversy and the drain on judicial resources posed by a multiplicity of suits.” *Ridgeway Props.*, 647 S.W.3d at 178 (citation omitted). The same reasoning applies here. The Plaintiffs seek injunctive relief concerning SJR 55 in both the federal court and this Court, thus risking contradictory judgments. And maintaining both actions is not a prudent use of scarce judicial resources.

The rule against splitting a cause of action “is an equitable rule[] limiting all causes of action arising out of a single ‘transaction’ to a single procedure.”⁶ *Coomer v. CSX Transp., Inc.*, 319 S.W.3d 366, 371 (Ky. 2010) (citation omitted). The rule “rests upon the concept that ‘parties are required to bring forward their whole case’ and may not try it piecemeal,” and applies “to every point which properly belonged to the subject of litigation, and which the parties, exercising reasonable diligence, might have brought forward at the time.” *Id.* (citation omitted). Further, “[f]orum shopping is clearly against the public policy of Kentucky.” *Steward v. Kentuckiana Med. Ctr.*,

⁵ Both *Ridgeway* and *Akers* refer to “court[s] of concurrent jurisdiction,” and no Kentucky decision has held that term is limited to another Kentucky circuit court. Because the federal court has supplemental jurisdiction over other state law claims, it and this Court have concurrent jurisdiction over the Plaintiffs’ claims in this action.

⁶ Though there are some exceptions to the rule against splitting causes of action, see *Coomer*, 319 S.W.3d at 372 (citation omitted), none of those exceptions applies here.

LLC, 604 S.W.3d 264, 270 (Ky. App. 2019) (citation omitted).

“The key inquiry in deciding whether the lawsuits concern the same controversy is whether they both arise from the same transactional nucleus of facts.” *Coomer*, 319 S.W.3d at 371 (citation omitted). Clearly, both the federal and state actions concern the Plaintiff’s reassignment of duties and investigation by the University, and therefore arise from the same transactional nucleus of facts. To avoid piecemeal litigation, preserve judicial resources, and avoid contradictory orders of two different courts, Count IX should be dismissed.

II. SJR 55 itself does no harm to the Plaintiff.

First, it is important to note that the Plaintiff primarily takes issue with the University’s application of SJR 55 to his situation, not with SJR 55 itself. Indeed, the Plaintiff does not argue that a directive to adopt policies combatting antisemitism is itself unconstitutional. Instead, the Plaintiff only quotes SJR 55’s language requiring Kentucky’s public postsecondary institutions to adopt policies “that use as guidance the definition of ‘antisemitism’ as established by” the IHRA. Compl. at 41 ¶ 167. The Plaintiff’s primary issue is with IHRA’s definition and the General Assembly’s direction to use that definition as guidance—not with the core of what SJR 55 functionally requires of the Commonwealth’s public postsecondary institutions.

SJR 55 does not regulate speech. It does not require universities to suspend professors if they critique the State of Israel. It does not require universities or their faculty to endorse the actions of the State of Israel. SJR 55 only requires public postsecondary institutions to adopt policies to combat antisemitism, and rather than each institution being left to define for itself what “antisemitism” means, thereby

creating a patchwork of different definitions among our public postsecondary institutions, the General Assembly points to the IHRA definition as guidance. Whether the Plaintiff takes issue with the University’s *implementation* of its own policies promulgated under SJR 55 is irrelevant to the issue of whether SJR 55 itself is unconstitutional. Regardless, the IHRA definition has been widely adopted around the world to provide a common language and understanding of the evils of antisemitism. It is not some broad prohibition of speech as the Plaintiff characterizes it.

Further, the General Assembly has the legislative authority and discretion to enact statutes to ensure student safety. Included in the legislative power under Section 29 of the Kentucky Constitution is the police power, which permits legislation to protect the health, safety, welfare, and morals of the people. *See, e.g., Chambers v. Stengel*, 37 S.W.3d 741, 743 (Ky. 2001) (holding a statute criminalizing an attorney’s solicitation of accident or disaster victims was within the police power). Naturally, this power further extends to legislation providing for the health, safety, and welfare of postsecondary students. A statute is presumed constitutional when it has “a substantial tendency to provide such protections.” *Id.* at 743.

The General Assembly’s police power is “broad and comprehensive as the demands of society make necessary.” *McGuffey v. Hall*, 557 S.W.2d 401, 413 (Ky. 1977) (cleaned up) (quoting *Stephens v. Bonding Ass’n of Ky.*, 538 S.W.2d 580, 583 (Ky. 1976)). The “legislative choice is not subject to courtroom factfinding and may be based on rational speculation unsupported by evidence or empirical data.”

Zuckerman v. Bevin, 565 S.W.3d 580, 596 (Ky. 2018) (internal quotes omitted; citation omitted). If a statute is reasonable and has a legitimate public purpose, then it is constitutional. *Commonwealth v. Harrelson*, 14 S.W.3d 541, 547 (Ky. 2000); *Lynch v. Commonwealth*, 902 S.W.2d 813, 816 (Ky. 1995) (the police power may impose reasonable conditions that are “essential to public welfare, safety, and good order of the people”). For good reason, the General Assembly “has broad discretion to determine what is harmful to the public health and welfare.” *Harrelson*, 14 S.W.3d at 547; *Lynch*, 902 S.W.2d at 816. If the legislature has concerns over a particular “evil” or problem that it identifies, it may set forth rational legislative measures to implement a solution. *Seum v. Bevin*, 584 S.W.3d 771, 775 (Ky. App. 2019).

The General Assembly was correct to determine that antisemitism poses a health and safety risk to students at Kentucky postsecondary institutions. In their 2021 resolutions, the Senate and House of Representatives noted that FBI data showed an increase in the number of hate crimes against Jews and Jewish institutions, with “attacks against Jews or Jewish institutions [making] up 60.3 percent of all religious-based hate crimes.” 2021 SR 67 Pmbl.; 2021 HR 41 Pmbl. Kentucky is not immune from this sort of hate; a “series of anti-Semitic incidents” had occurred here, as well. *Id.*

Four years later, SJR 55 cited “record highs” in “recorded incidents of antisemitism, including on Kentucky’s university campuses.” SJR 55 Pmbl. Included in those “recorded incidents” are “742 incidents on American college campuses in 2024, a 200 percent increase compared to 2022.” *Id.* The General Assembly therefore

found it had an “obligation” to “protect[] the right of students” of all faiths “to access Kentucky’s public postsecondary education institutions.” *Id.*

Under the cases cited above, including *Zuckerman* and *Harrelson*, the police power vested in the General Assembly under Section 29 of the Constitution allows it to address the pervasive threats to Jewish students on college and university campuses. Providing a uniform definition of the specific evil to be addressed is necessary for the postsecondary education institutions to keep their students safe, including those of the Jewish faith. And requiring Kentucky’s public colleges and universities to adopt policies to combat antisemitism is a reasonable means of accomplishing the General Assembly’s goal of protecting students and addressing the rise of antisemitism in our midst.

SJR 55 does not prescribe specific policies governing faculty speech, nor does it prescribe the procedures universities must follow when investigating alleged violations of their policies and procedures. It prescribes *guidance*. And so, the Plaintiff cannot establish that it is *SJR 55* that has caused his claimed injuries in this action. SJR 55 is therefore a constitutional exercise of the General Assembly’s police power.

III. SJR 55 does not discriminate based on viewpoint.

The Plaintiff argues that “SJR 55 directs public universities to engage in viewpoint-based censorship” because “[t]he IHRA examples incorporated into the definition sweepingly characterize political critiques of Zionism and Israeli government policy as impermissible speech, without regard to whether such speech is motivated by hostility toward Jewish people.” Compl. at 41 ¶ 168. But the Plaintiff

mischaracterizes the function of the IHRA examples. The IHRA definition and accompanying examples do not declare all critique of the State of Israel to be antisemitic. In fact, the IHRA illustrations specifically state that critique of the State of Israel that is typical of critique of any other country “*cannot be regarded as antisemitic.*”⁷ Indeed, the IHRA definition and its examples do not label any speech as inherently antisemitic or otherwise impermissible, but instead provide examples of conduct which may, when considered in context of the conduct at issue, indicate antisemitic intent. Providing guidance in this way does not label speech as impermissible, as the Plaintiff claims, but rather equips governments, policymakers, and here, universities in identifying antisemitism and ensuring student rights are protected and laws are followed.

Like the IHRA definition, SJR 55 does not regulate speech at all, so it could not possibly impermissibly discriminate based on viewpoint. Instead, SJR 55 merely requires postsecondary institutions to adopt certain policies aimed at curbing a recognized evil. And requiring institutions to use the IHRA definition of antisemitism *as guidance* still does not regulate speech. Nowhere does SJR 55 prohibit certain speech or endorse other speech. It only directs postsecondary education institutions to develop and adopt policies that look to the IHRA definition, which is used across the world as a guiding definition of antisemitism that can be consistently applied. Such a requirement does not “direct[] public universities to engage in viewpoint-based censorship in violation of Section 8 of the Kentucky Constitution.” *Id.*

⁷ See the document on the IHRA website, *supra* n.2 (emphasis added).

The Plaintiff does not explain, in the single paragraph of his complaint touching on his claim of viewpoint discrimination, how SJR 55 directs public universities to discriminate based on viewpoint. The Plaintiff's only argument is that the "IHRA examples incorporated into the definition sweepingly characterize political critiques of Zionism and Israeli government policy as impermissible speech," *id.*, but even this argument is inaccurate. Again, the Plaintiff mischaracterizes the IHRA examples; the IHRA document itself states that "criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic," does not regulate speech, and merely serves as guidance in evaluating alleged antisemitic incidents.⁸ In any event, SJR 55 similarly does not regulate the Plaintiff's speech, and thus, it has not violated the Plaintiff's rights under Section 8.

Further, in the same sentence in which SJR 55 directs institutions to use the IHRA definition as guidance, it also requires that "the institutions *shall adhere to the First Amendment*."⁹ SJR 55 § 1 (emphasis added). And when it comes to speech by public employees like the Plaintiff, the First Amendment (and thus the Kentucky Constitution) requires public universities to engage in a context-specific inquiry that balances the employee's desire to speak against the employer's ability to perform its mission. *See Pickering v. Bd. of Educ. of Twp. High Sch. Dist. 205*, 391 U.S. 563, 568 (1968). So, even if SJR 55 required universities to ban speech critical of the State of Israel, which it does not, if that ban were to violate the First Amendment (and thereby

⁸ See the document on the IHRA website, *supra* n.2 (emphasis added).

⁹ As interpreted by the Supreme Court of Kentucky, the Kentucky Constitution's freedom of speech and press provisions provide no greater protection than the First Amendment to the United States Constitution. *McCall v. Courier-Journal & Louisville Times Co.*, 623 S.W.2d 882, 895 (Ky. 1981).

Sections 1 and 8 of the Kentucky Constitution), then universities could not implement such a ban because, as recognized by SJR 55, they must adhere to the First Amendment. Indeed, SJR 55 requires that policies developed by public universities *may not* violate the First Amendment. This means that it is impossible for a public university to both comply with SJR 55 and at the same time violate a faculty member’s free-speech rights under the U.S. and Kentucky Constitutions. The Plaintiff’s claim that SJR 55 permits impermissible viewpoint discrimination therefore fails.

For the same reasons, the Plaintiff’s claims that SJR 55 is “unconstitutionally overbroad” and “objectively chills protective expression” also fail. Compl. at 41 ¶¶ 169–170. First, a directive to adopt policies to combat antisemitism is not a direction “to restrict core political, academic, and scholarly speech by faculty.” *Id.* at 41 ¶ 169. And the Plaintiff’s claim that “there are a substantial number of applications where SJR 55 cannot be applied consistent with the Kentucky Constitution” is without merit, as SJR 55 only requires universities to adopt policies that use the IHRA definition as guidance while adhering to First Amendment protections. It does not prohibit speech or classify every critique of the State of Israel as antisemitism. Second, the Plaintiff’s claim that SJR 55 chills speech “by commanding institutional sanctions (‘combatting’) predicated on failure to adhere to an expansive, speech-restrictive definition” is not compelling. *Id.* at 41–42 ¶ 170. SJR 55 does not implement “sanctions,” and it is not clear why the Plaintiff believes the use of the word “combatting” somehow does so. Even in its direction to adopt policies,

nowhere does SJR 55 require certain sanctions or consequences for specified conduct. The only direct consequences prescribed by SJR 55 relates to a student organization that provides material support or resources to a terrorist organization, which is not applicable here. SJR 55 § 1(3).

SJR 55 does not prohibit or regulate speech in any way. Instead, it merely instructs public postsecondary institutions to adopt policies to combat antisemitism, specifically by informing students of their rights, identifying resources for Jewish students, disbanding student organizations that provide material support to terrorist groups, and collecting data about reports of antisemitism. None of those policy requirements violate the Plaintiff's rights under Sections 1 and 8 of the Kentucky Constitution. And an enactment that specifically directs public universities to comply with the First Amendment cannot be said to violate either the First Amendment or analogous provisions of the Kentucky Constitution.

IV. SJR 55 is not unconstitutionally vague.

The Plaintiff claims that “SJR 55 is unconstitutionally vague under Sections 2 and 8 of the Kentucky Constitution” because “[i]t forces universities and faculty to guess at the legal boundary of permissible speech.” Compl. at 42 ¶ 171. But, as previously discussed, SJR 55 does not regulate speech and expressly requires universities to comply with the First Amendment (and thus, also comply with the Kentucky Constitution's speech protections). And the General Assembly is free to delegate the promulgation of such policies to postsecondary education institutions, especially where public postsecondary institutions are best situated to evaluate what particular policies and practices are appropriate for their campuses. Further, by

having a guiding definition of antisemitism to utilize in evaluating allegedly antisemitic conduct, the risk of arbitrary enforcement of an undefined term is nonexistent.

To pass constitutional muster under Section 2, “a statute must be rationally related to a legitimate state objective.” *Commonwealth v. Louisville Atlantis Cmty./Adapt, Inc.*, 971 S.W.2d 810, 816 (Ky. App. 1997) (citation omitted). A statute is constitutional “if a reasonable, legitimate public purpose for it exists, whether or not [the court] agree[s] with its ‘wisdom or expediency.’” *Buford v. Commonwealth*, 942 S.W.2d 909, 911 (Ky. App. 1997) (citation omitted). SJR 55 easily meets this low bar. SJR 55 directs public postsecondary institutions to adopt policies to combat antisemitism, using a globally accepted working definition as guidance. Such policies, with the requirements the General Assembly has identified, are at least rationally related to “protecting the right of students to access Kentucky’s public postsecondary education institutions” because they ensure students know their rights, have resources available to support them, and are assured that reports of antisemitism are being reported and investigated. SJR 55 Pmb1. These requirements equip students to report harassment on their campuses and respond accordingly.

The Plaintiff argues that SJR 55 “fails to define whether the IHRA illustrative examples are binding regulatory standards or advisory criteria.” Compl. at 42 ¶ 172. But, as previously discussed, the IHRA definition and its examples are not “binding regulatory standards,” as SJR 55 explicitly states the IHRA definition is to be used *as guidance* and does not regulate speech. Thus, the Plaintiff’s attempt to

characterize those terms as “lack[ing] objective legal standards” is unwarranted. Compl. at 42 ¶ 172.

Further, the Plaintiff’s claim that “the core IHRA definition of antisemitism . . . is inherently subjective and amorphous” is similarly without merit. Again, the Plaintiff seems to misunderstand what SJR 55 actually requires. It does not itself define antisemitism, place a blanket label on all speech critical of the State of Israel, or prescribe punishments for those who violate a university policy adopted pursuant to the resolution. The Plaintiff claims that SJR 55 “command[s] state postsecondary institutions to adopt standardless, vague, and viewpoint-discriminatory speech restrictions against public university faculty,” *id.* ¶ 173, but such a mandate is not found anywhere in SJR 55.

SJR 55 is clear in what it requires—the development of policies at public postsecondary institutions—and such means are rationally related to the General Assembly’s interest in protecting students and fostering safe environments on the Commonwealth’s public postsecondary education institution campuses.

* * *

Here, the Plaintiff fails to meaningfully engage with the text of the statute or establish any constitutional violation. This is insufficient to overcome SJR 55’s presumption of constitutionality, and the Plaintiff has failed to meet his high burden for a facial challenge to SJR 55.

CONCLUSION

The Court should uphold SJR 55 as constitutional, deny the Plaintiff's request for preliminary and permanent injunctive relief, and dismiss Count IX of the Plaintiff's complaint.

Respectfully submitted,

Russell Coleman
ATTORNEY GENERAL

/s/ Abigail G. Vicars
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*Counsel for the Commonwealth of Kentucky
ex rel. Attorney General Russell Coleman*

CERTIFICATE OF SERVICE

I certify that on October 9, 2026, a copy of the above was filed electronically with the Court and served through the Court's electronic filing system on all counsel of record.

/s/ Abigail G. Vicars
*Counsel for the Commonwealth of Kentucky
ex rel. Attorney General Russell Coleman*

COMMONWEALTH OF KENTUCKY
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RAMSI A. WOODCOCK,

Plaintiff

v.

UNIVERSITY OF KENTUCKY, *et al.*,

Defendants

ORDER

This action having come before the Court on the motion of the Commonwealth of Kentucky, *ex rel.* Attorney General Russell Coleman, to be heard regarding the constitutionality of 2025 Senate Joint Resolution 55, and the Court being sufficiently advised, it is hereby **ORDERED**:

1. The Commonwealth's motion to be heard be, and hereby is GRANTED;
2. The motion to dismiss tendered by the Commonwealth shall be deemed filed;
and
3. The Plaintiff shall have 30 days to respond to the Commonwealth's motion to dismiss, after which the Commonwealth shall have 21 days to file a reply. The Court will then take the Commonwealth's motion under submission, unless on the motion of a party or its own motion the Court schedules oral argument.

SO ORDERED, on this the ____ day of _____, 2026.

JUDGE, FRANKLIN CIRCUIT COURT