

**COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION ____**

CASE NO. _____

Ramsi A. Woodcock,

Plaintiff,

v.

University of Kentucky,
Eli Capilouto (in his official and individual capacities),
Robert DiPaola (in his official and individual capacities),
William Thro (in his official and individual capacities),
Gregory Van Tatenhove (in his official and individual capacities),
James C. Duff (in his individual capacity);

Defendants.

VERIFIED COMPLAINT

NOW COMES the Plaintiff, Ramsi A. Woodcock, by counsel, and for his complaint against the defendants for breach of contract; violation of the Campus Free Speech Protection Act, violation of sections 1, 2, 3, 5, 8, and 14 of the Kentucky Constitution, and violation of the Kentucky Civil Rights Act, alleges as follows:

INTRODUCTION

1. The University of Kentucky (“the University”) has suspended, banned from the law building, and launched an investigation against one of its tenured law professors, Ramsi A. Woodcock, because he posted a Petition for Military Action Against Israel to online discussion groups hosted by the Association of American Law Schools on July 6, 2025.

2. The University's actions violate its employment contract with Professor Woodcock, the Kentucky Campus Free Speech Protection Act, the Kentucky Civil Rights Act, and Sections 1, 2, 3, 5, 8, and 14 of the Kentucky Constitution. Plaintiff seeks declaratory relief, injunctive relief to end the investigation, suspension, and ban, and damages.

INTENT TO CONSOLIDATE WITH TRANSFERRED CASE

3. Plaintiff could not bring his state claims challenging the investigation, suspension, and ban in federal court because, as state claims against state actors, they are barred under the doctrine of *Pennhurst State School and Hospital v. Halderman*, 465 U.S. 89 (1983). In order to prevent his state claims from becoming time barred, and wishing to preserve them in part in order to seek relief in state court in the event that the federal courts are unable to provide relief, Plaintiff filed this state action on July 20, 2026. Plaintiff mistakenly filed the case in Fayette Circuit Court (Case No. 26-CI-3325) and immediately motioned to transfer venue to this Court based on his breach of contract claim and the venue provision of Ky. Rev. Stat. § 45A.245(1). Fayette Circuit Court granted the motion at a hearing on August 7, 2026, but Defendants failed to review and respond to the order tendered by Plaintiff until September 8, 2026. Fayette Circuit Court entered the order on that afternoon. Ex. 68. Because Plaintiff requires a temporary restraining order based on Defendants' attempt to accelerate their investigation before any court can rule on its constitutionality, Plaintiff files this complaint directly in Franklin Circuit Court and concurrently files a motion for a temporary restraining order and temporary injunction. Plaintiff will move to consolidate this case with the case filed in Fayette Circuit Court once the transfer of that case to this Court is complete.

PARTIES

4. Ramsi Woodcock (“Plaintiff” or “Professor Woodcock”) is Edward H. Metcalf Jr. Professor of Law at the J. David Rosenberg College of Law of the University of Kentucky (“law school”). He received tenure in 2022 and was promoted to full professor on July 1, 2025.

5. At all times relevant hereto, the University of Kentucky (“University”) was and is a public educational institution established and maintained by the Commonwealth of Kentucky pursuant to Chapter 164 of the Kentucky Revised Statutes. The University is governed by a Board of Trustees.

6. Eli Capilouto is the President of the University of Kentucky. As such he is the “chief executive officer” of the University. The University of Kentucky Board of Trustees (“Board”) has delegated to him “full authority and responsibility over [the University’s] administration” including “the authority to” “promulgate and implement Administrative Regulations”, “supervise and administer all phases of the University”, and “take all measures necessary to comply with state and federal law as well as the requirements of all accrediting bodies.” Governing Reg. III —The President § B.

7. Robert DiPaola is the Provost of the University of Kentucky. As Provost, DiPaola “is the chief academic officer for the University”, “is responsible for faculty employee functions”, and “has the authority to manage the employment” of “the faculty.” Admin. Reg. 1:1 § IV.F (possibly superseded by Admin. Reg. — Univ. Org.).

8. William Thro is the General Counsel of the University of Kentucky. As such, he “is the chief legal advisor for the University”. Admin. Reg. 1:1 § IV.E (possibly superseded by Admin. Reg. — Univ. Org.). He “provides proactive strategic policy advice on issues confronting all University administrators,” “advice on the legal implications of proposed policies and actions,” and

“counsel on compliance with state and federal laws and University regulations[.]” He is responsible for the “the selection and retention of outside legal counsel.” Bus. Proc. Man. § E-1-6.I.

9. James C. Duff was Interim Dean of the law school from July 1, 2025 to June 30, 2026. The Dean is the chief academic and executive officer of the law school and speaks for the College.

10. Gregory Van Tatenhove is the current Dean of the law school. He took office on July 20, 2026. The Dean is the chief academic and executive officer of the law school and speaks for the College.

JURISDICTION AND VENUE

11. This Court has subject-matter jurisdiction over this action pursuant to Section 112(5) of the Kentucky Constitution, KRS 23A.010 (general jurisdiction of the Circuit Court), KRS 418.040 (Declaratory Judgment Act), KRS 164.348(3) (Campus Free Speech Protection Act), KRS 344.450 (Kentucky Civil Rights Act), and KRS 45A.245 (Waiver of Sovereign Immunity for Written Contracts). The matter in controversy exceeds the minimum jurisdictional limits of the Circuit Court, and Plaintiff seeks declaratory relief, temporary and permanent injunctive relief, expungement, and monetary damages.

12. Venue is proper in this Court. Under, KRS 45A.245(1), “[a]ny” breach of contract action against the Commonwealth “shall be brought in the Franklin Circuit Court. Because Plaintiff “may not split up his cause of action and have it tried piecemeal” across multiple lawsuits to satisfy competing venue rules, and, under KRS 23A.010(1), “[s]tatutes in derogation of the state’s sovereign immunity will be strictly construed” “unless the intention of the legislature to do otherwise is clearly expressed in the statute”, *Jones v. Cross*, 260 S.W.3d 343, 345 (Ky. 2008), and Franklin Circuit Court “has original jurisdiction of all justiciable causes”, KRS 23A.010(1), including all of Woodcock’s

non-contract claims, Franklin Circuit Court is the only forum in the Commonwealth capable of resolving all of Plaintiff's claims.

13. This Court has personal jurisdiction over Defendant University of Kentucky because it is a public postsecondary educational institution organized under the laws of the Commonwealth of Kentucky, with its principal educational facilities, law school, and administrative offices located in Fayette County, Kentucky. This Court has personal jurisdiction over Defendants Capilouto, DiPaola, Thro, Duff, and VanTatenhove because at all relevant times they were acting in their official and individual capacities as university administrators, officers, and employees residing, employed, or transacting state business within Kentucky.

14. Statutory Notice to the Attorney General: Pursuant to KRS 418.075, KRS 452.005(3), and CR 24.03, Plaintiff has served a copy of this Complaint upon the Attorney General of Kentucky prior to or contemporaneously with filing, as this action challenges the constitutionality of state legislation (SJ 55) and seeks declaratory relief invalidating administrative regulations and state policy directives.

FACTUAL ALLEGATIONS

A. Applicable University Policies

15. The University hired Professor Woodcock as an Assistant Professor at the law school on August 1, 2018. Ex. 1. It granted him tenure and promoted him to Associate Professor on July 1, 2022, and promoted him to full Professor on July 1, 2025 on the unanimous recommendation of the law school's promotion and tenure committee and the then-Dean.

16. Professor Woodcock's employment is governed by a written contract consisting of his appointment letters and all applicable University policies, including the University's Governing Regulations and Administrative Regulations.

17. The University's Governing Regulations and Administrative Regulations and policies were available on its website at all times relevant hereto.

18. Governing Regulation I establishes shared governance as "a bedrock principle and a value of the University" and describes it as "a system of mutual responsibility in which students, faculty and staff take part in the decision-and-policymaking process through advice and counsel to the President." Ex. 2.

19. Governing Regulation V grants the Faculty Senate authority to "advise the President as to the ethical and professional standards applicable to members of the University's faculty." Ex. 3.

20. Governing Regulation IV specifies that faculty have primary responsibility over the curriculum. Ex. 4.

21. The University also professes to protect the academic freedom of its faculty. Its policies envision and promise a university environment in which faculty apply their expertise to the creation and dissemination of "new ideas," not only for the benefit of students and other scholars but also for the benefit of the general public. Administrative Regulation 3:8 states, "[t]he University serves students and scholars from across the Commonwealth as well as from beyond its borders. Across a wide variety of areas and disciplines, the University provides an environment in which new ideas are fostered." Ex. 5.

22. At the time of Professor Woodcock's suspension—or "reassignment," as the University refers to it—there were a number of University policies in force that the University has since revoked or replaced.

23. The Regulations Affecting Employment permitted suspension or "assignment to other duties in lieu of suspension" only where "immediate harm to the faculty member or others is threatened by the faculty member's continuance," and only after the President consulted with the Faculty Senate Advisory Committee on Privilege and Tenure. Ex. 6. In the month after Woodcock

alerted the University that it was violating this policy by suspending him, the University removed the suspension section of the Regulations Affecting Employment. *Compare* Ex. 6 at § B.1.f(3) *with* Ex. 15 at § B.1; Ex. 40 at 1.

24. The University subsequently unilaterally adopted the Administrative Regulation — Due Process (Interim) policy. Ex. 7. At the time, Administrative Regulation 1:6 required that, prior to the amendment or adoption of a regulation, the University seek feedback from “units that have an interest in the policy” and from the University Senate. President Capilouto did not seek feedback before adopting Administrative Regulation — Due Process (Interim). Administrative Regulation 1:6 only allowed for interim changes to regulations “[w]hen a new regulation or substantial revision to a regulation is needed within a time-period that does not allow for complete drafting and review of the policy document as outlined in this regulation.” Ex. 8. There was no reason the new Administrative Regulation — Due Process could not be vetted according to the requirements of Administrative Regulation 1:6. President Capilouto subsequently revoked Administrative Regulation 1:6.

25. Administrative Regulation — Due Process (Interim) provides that “[w]hen a[n] . . . employee is accused of a violation of any regulation or policy, and when there is a determination by the appropriate administrator that the allegations, if true, make the . . . employee a threat to the safety and well-being of others, then an appropriate administrator will suspend the . . . employee pending investigation and ultimate resolution.” Ex. 7. This new regulation authorizes the Provost to suspend faculty members. It also authorizes the “executive director of the Office of Equal Opportunity” to suspend “employees” “where federal regulations govern the administration of federal discrimination law.” It does not authorize a dean of a college to suspend a member of the faculty.

26. The University’s Office of Equal Opportunity (“OEO”) also subsequently issued an Office of Equal Opportunity Policy (“OEO Policy”). Ex. 9. That policy authorizes the executive

director of the Office of Equal Opportunity to impose a suspension based on a written “individualized safety and risks analysis” of an employee that concludes that the employee “present[s] a threat to the physical health or safety of an individual or the University Community.” Ex. 10 at § VI. The policy does not authorize a dean of a college to suspend a member of the faculty.

27. The OEO Policy “applies to all University programs and activities and includes employees, students and visitors who engage or attempt to engage in these programs and activities. This policy addresses the reporting of and response to concerns related to discrimination and harassment on the basis of a protected characteristic within the University’s programs and activities.” The policy further states that “[c]oncerns regarding discrimination or harassment not covered by this policy should be referred to the . . . Employee Relations Office (Employee Cases).” The policy also states that “[w]hile anyone may submit reports to Equal Opportunity, those who are not members of the University Community may not serve as Complainants in a resolution process.”

28. According to the OEO Policy, the typical case is “Complainant driven. This means that generally a Complainant can decide if they wish to have Equal Opportunity initiate an investigation.” Ex. 9 at § IV. The policy states that “[w]hen requested by the Complainant or deemed necessary by Equal Opportunity, Equal Opportunity will conduct an investigation.” *Id.* at § IV.B. OEO may “consolidate multiple reports” “where the allegations arise out of the same facts”. *Id.* The policy states that “any individual designated as” an “investigator” or “decision-maker” must “not have a conflict of interest or bias for or against complainants or respondent generally or an individual complainant or respondent”. *Id.*

29. The OEO Policy provides that after the investigation the OEO “Executive Director” “determines [if] the elements of Probable Cause are met to refer to a hearing.” *Id.* at §

IV.B.6. Probable cause is defined as “a reasonable basis for believing that a violation of this policy may have occurred”. *Id.* at § I.B.

30. If the OEO executive director refers the case to a hearing, the Administrative Regulation — Due Process (Interim) regulation and the Due Process — Equal Dignity policy, which was adopted alongside the Administrative Regulation — Due Process (Interim) regulation, will apply. The Due Process — Equal Dignity regulation provides that prior to the convening of a disciplinary hearing, the respondent will be provided with a statement of charges that includes the “final investigative report.” Ex. 16 at § I.C.1. The hearing panel will be selected by the University’s Executive Vice President for Finance and Administration according to a procedure that may result in no faculty members sitting on the panel. Ex. 16 at § I.A.3. At the hearing, the University’s general counsel will serve as prosecutor. Ex. 16 at § I.D.1. Universities policies do not provide a recommendation of sanctions at any point during the investigation stage, or as part of the determination of probable cause by the OEO director. Sanctions are not considered until after the hearing panel has heard the case and decided whether there has been a violation of University policy. Ex. 16 at § I.E.2. Thereafter the hearing panel convenes a “supplemental processing to determine the sanction(s)”. Ex. 16 at § I.E.2. The respondent has a right of appeal to an appeals panel, which is selected in the same fashion as the hearing panel and may have no faculty members sitting on it. Ex. 16 at § I.A.3.

31. The Administrative Regulation — Due Process (Interim) regulation further provides that “[i]n those instances when only the Board of Trustees may terminate the employee, the employee will still be given a hearing and an appeal through the appropriate process. However, instead of being final, the decision of the appellate panel is only advisory to the President.” Ex. 7 at § II.F. The policy further states that “[i]f the President, in their sole discretion, decides to pursue

termination, the Board of Trustees will conduct the proceedings according to the Kentucky Revised Statutes.” Ex. 7 at § II.F.

32. Administrative Regulation 3:8 requires that all faculty within a unit have comparable workloads. Ex. 5. The law school’s workload policy sets minimum and maximum percentages for teaching, research, and service. Ex. 10. According to the law school’s Faculty Rules, faculty are expected to devote 40-55% of their time to teaching and 5-25% of their time to service to the University and broader profession. *Id.* at p. 25. Administrative Regulation 3:8 further provides that a dean may alter workloads to the end of “maximizing the application of faculty expertise” or by “consider[ing]” “1. Difficulty, scope, size, and level of courses taught[; and] 2. Research responsibilities and/or service expectations.” Ex. 5 at p. 2. Nothing in the policy authorizes a dean to alter a faculty workload to address safety concerns during an investigation.

33. Administrative Regulation — University Organization provides that a dean “shall seek the advice of the faculty of the college” “in connection with” “the assignment of duties to all personnel.” Ex. 11 at § F.2.c. The dean did not seek the counsel of the law faculty before reassigning and banning Professor Woodcock.

34. Administrative Regulation — Employee Code provides that all employees of the University “must comply with applicable . . . [University] Administrative Regulations” and “accreditation requirements.” Ex. 12 at § I.D. The code also directs an employee to “be responsible for [his] own actions and . . . recognize [his] obligation to ensure a University-wide culture of compliance.” Ex. 12 at § I.D. All employees “must report incidents that may constitute a violation of any . . . Administrative Regulations.” Ex. 12 at § I.E.1. Failure to do so can result in “suspension without pay and up to separation of employment.” Ex. 12 at § I.E.2. Governing Regulation I, which tasks the President with adopting the Employee Code, further provides that “the University community shall be guided by the core values of . . . personal and institutional responsibility and

accountability[.]” Ex. 2 at § E. The University’s President, Provost, and Dean of the law school are all employees of the University.

35. The University’s accreditor, SACSCOC, requires that the University “publish[] and implement[] policies on the authority of faculty in academic and governance matters[.]” Ex. 13 at § 10.4. The right of the faculty to be consulted by the dean in relation to the “assignment of duties to all personnel,” which is provided in Administrative Regulation — University Organization, is a “polic[y] on the authority of faculty in academic and governance matters[.]” Ex. 11 at § F.2.c; Ex. 13 at § 10.4. Accordingly, SACSCOC requires that the University “implement[]” that policy. Ex. 13 at § 10.4.

36. The Policy on Discrimination and Harassment, another contractual administrative regulation, prohibits adverse or different treatment based on political belief. Ex. 14 at § II.A. The University’s Administrative Regulation — Equal Dignity (interim), which was adopted after Professor Woodcock’s reassignment, similarly prohibits “discriminat[ion] on the basis of race,” “national origin”, “ethnic origin”, “creed”, or “political belief.” Ex. 17 at § I.

37. The University’s Institutional Statements Policy, which was in effect when Professor Woodcock was reassigned, declares that “[a]s a learning institution, the dissemination of ideas, debate, and open inquiry are essential to” the University’s “mission.” Ex. 18 at Preamble. The University’s Institutional Neutrality Policy, which was issued after the reassignment, repeats this language and further states that “[t]his policy prohibits discrimination on the basis of an individual’s political or social viewpoint and promotes intellectual diversity within the institution.” Ex. 19 at Preamble.

B. Statute

38. Kentucky Senate Joint Resolution 55 (“SJR 55”) directs Kentucky’s “public postsecondary education institutions” to “adopt policies to combat antisemitism within their institutions that use as guidance the definition of ‘antisemitism’” of the International Holocaust Remembrance Alliance (IHRA). S.J. Res. 55, 2025 Gen. Assemb., Reg. Sess., 2025 Ky. Acts ch. 157. The University claims to interpret its discrimination policies using the IHRA definition pursuant to this law. Ex. 20; Ex. 24 at 1–2; Ex. 25 at 1–2.

C. Contract

39. The University’s rules and policies, including the governing and administrative regulations, are part of Woodcock’s employment contract. The offer letter that Woodcock and the law school dean signed when Woodcock joined the faculty in 2018 describes the position to which the University appointed Woodcock using terms that are only defined in University regulations (e.g., it appoints him “Assistant Professor” in “our Regular Title Series”, two terms that are defined only in Administrative Regulation 2.1-1 § V.A. and Administrative Regulation 2.2-1 § III.B.1(a)) and states that his “responsibilities” are “as outlined in the . . . University of Kentucky rules and regulations.” Both the offer letter and the governing and administrative regulations concern the rights and duties of employees. Woodcock has worked continuously for the University since 2018 while various iterations of the governing and administrative regulations, along with other written policies, have remained in effect. The language of the governing and administrative regulations use phrases such as “shall be” and “must comply”. Moreover, the Faculty Handbook refers to “the contract between the faculty member and the institution” and states that “[s]pecific questions regarding the rights and duties of University employees - including faculty employees - can only be resolved by reference to the appropriate official documents”, which the Faculty Handbook describes

as including “the Governing Regulations, and the Administrative Regulations[.]” And Woodcock was granted tenure under this agreement in 2022.

D. Petition and Public Disparagement

40. Starting in November 2024, Professor Woodcock maintained on his personal website a Petition for Military Action Against Israel that he had drafted. Ex. 43 at 1–3. On July 6, 2025, Woodcock posted links to the petition to discussion groups of law professors maintained by the Association of American Law Schools. The petition observed that Israel is a Western colony that “has committed genocide, extermination, and forced displacement against the native population of Palestine since her inception in 1948,” and that it has greatly accelerated these actions since October of 2023. Ex. 43 at 1. The petition says that the only way to end this colonization and extreme violence is for “every country in the world make war on Israel immediately and until such time as Israel has submitted permanently and unconditionally to the government of Palestine everywhere from the Jordan River to the Mediterranean Sea.” Ex. 43 at 1. The petition invited “[l]aw scholars” to sign the petition and noted that “[i]nstitutional affiliations are listed for informational purposes and do not imply institutional endorsement of this statement.” Ex. 43 at 1.

41. Rather than engage with what Professor Woodcock’s statement was advocating, Defendants pretended Professor Woodcock was calling for genocide against Jewish people (as opposed to decrying and calling for cessation through force of Israel’s genocide of Palestinians) and then denounced that imaginary call for genocide. Ex. 21 at 1.

42. On July 18, 2025, University of Kentucky President Eli Capilouto sent to the entire “[c]ampus community” an electronic mail message claiming that he had been made aware of “an online petition calling for the destruction of a people based on national origin.” Ex. 21 at 1.

43. President Capilouto went on to say that because he was concerned that the statements could “threaten the safety and well-being of the university’s students and staff, we are obligated to act to protect our community and our people,” and announced that Professor Woodcock had “been removed, pending an investigation, from any teaching and classroom responsibilities.” Ex. 21 at 1.

E. Suspension, Ban, and Investigation

44. On that same day, July 18, 2025, and without prior notice and without a hearing, Dean James Duff notified Professor Woodcock by letter that, “to protect both [Professor Woodcock] and the University,” Dean Duff was immediately reassigning Professor Woodcock from his usual workload of 45% teaching, 50% research, and 5% service to “100% professional development,” that he was not to come to the law school building, that he could not supervise any students or staff, and that he could not serve as a faculty advisor for any student organization. Ex. 23 at 1. He is denied access to his office, his research materials, and the law school building. Ex. 23 at 1. Thus, Professor Woodcock was suspended from his job and banned from his office and the building where his colleagues and students are located on campus. Ex. 23 at 1. Dean Duff’s letter further stated that the reassignment and ban would last for the duration of an investigation that the University was initiating into Professor Woodcock’s speech. Ex. 23 at 1.

45. Defendant Thro later stated that “[t]he Dean has absolute authority to determine the assignments of a faculty member.” Ex. 28 at 1. Consistent with this position, Duff stated in sworn testimony in federal court in December that although he acted in “consultation” with “people throughout the university”, “[i]t was my judgment. It was my authority to” order the reassignment and that it was a “judgment call” on his part to take that action. Ex. 30 at 184:9–14. Defendant Thro

also stated that the basis for the ban was that “[a]s [Professor Woodcock] has no teaching assignments, there is no reason for him to be present in the law school building.” Ex. 28 at 1.

46. On July 18, 2025, Defendant Thro also informed Woodcock that “your writings on certain websites, your conduct at academic conferences, and your postings on American Association of Law Schools list serves, and other actions” might “create a hostile environment for Jewish members of the university community or otherwise constitute harassment as defined by the Supreme Court. The University has concerns that your actions may violate Title VI of the Civil Rights Act of 1964, the equivalent state laws, and various university policies. Consequently, the University is launching an investigation.” Ex. 23 at 1. The letter further stated that “[b]ecause the allegations require the involvement of multiple university offices, the University has decided to engage outside counsel to conduct the investigation in coordination with the appropriate university offices. Specifically, Farnaz Farkish Thompson of the Washington office of McGuire-Woods LLP will lead the investigation.” *Id.* Thompson is listed as a contributor to Project 2025, a document produced by the partisan thinktank Heritage Foundation that calls for plans to “[s]ustain support for Israel”.¹ Another project of Heritage Foundation, Project Esther, calls for a coordinated campaign to bring about the removal of pro-Palestine faculty on the nation’s campuses. Ex. 44 at 1.

47. In his letter, then-dean Duff stated that he had decided to impose the reassignment and ban in “consultation with the Provost’s office”. Ex. 23 at 1. He later testified that “the counsel’s office of the university, and then the provost and president” were involved in the decision to launch the investigation. Ex. 30 at 188:13–15. Dean Duff also suggested that he had a role in the decision to launch the investigation, stating that “[i]t was not my sole decision to launch an investigation.” Ex.

¹ *Mandate for Leadership: The Conservative Promise*, HERITAGE FOUND., 94, 185 (2023), https://static.heritage.org/project2025/2025_MandateForLeadership_FULL.pdf (Project 2025).

30 at 186:11–12. He also stated that he had been “in agreement with the decision to pick an independent investigator.” Ex. 30 at 187:6–8.

48. Neither the University, Duff, Capilouto, DiPaola, nor Thro consulted the Faculty Senate Advisory Committee on Privilege and Tenure before deciding to launch the investigation, suspension, or ban. None of them consulted with the law faculty or any committee thereof before acting, either. None of them had received a complaint from any University student or faculty member about Professor Woodcock. Ex. 30 at 181:15–23. There were also no complaints that Plaintiff had said anything objectionable in the classroom. Ex. 30 at 176:3–6. Defendants did not allege, and none of them had any basis to allege, that Professor Woodcock’s presence on campus threatened harm to anyone or threatened anyone’s safety or well-being. The only complaints were from what Defendant Duff called “outside interests.” Ex. 30 at 179:11–19.

49. The stated basis for the “reassignment” was an investigation into Professor Woodcock’s speech at academic conferences, on academic listservs, and on his personal website regarding Israeli colonialism, apartheid, and genocide. Ex. 24 at 1. All eight allegations underlying the investigation concerned his speech. Ex. 24 at 1–2; Ex. 25 at 1–2. None alleged that he mistreated any member of the University community, threatened anyone, or denied anyone access to University resources. Ex. 24; Ex. 25.

50. There is no reasonable basis to infer that the speech contained in Professor Woodcock’s petition, which triggered the investigation, suspension, and ban, posed a threat to anyone’s health or well-being. The petition merely made political statements that offended some faculty at other schools as well as President Capilouto.

51. Although Defendant Capilouto’s email had identified Professor Woodcock’s Petition as the trigger for the investigation, reassignment, and ban, and Defendant Thro’s letter had identified the sole motivation for launching the investigation as concern that Professor Woodcock’s writings

might “create a hostile environment for Jewish members of the university community or otherwise constitute harassment as defined by the Supreme Court”, the “notice of investigation” issued by Thompson to Professor Woodcock four days later, on July 22, 2025, did not allege that Professor Woodcock had created a hostile environment. Ex. 21 at 1; Ex. 22 at 1; Ex. 24 at 1. Instead, the letter stated that the University “received reports about your conduct from four professors who have attended academic conferences where you allegedly spoke in your capacity as a University of Kentucky Law Professor or who are part of listserves with you.” Ex. 24 at 1. None of these professors were members of the University faculty. Ex. 30 at 181:15–23. According to the notice, these professors had reported that at two conferences, one at George Mason University in Virginia in February 2024, and the other in Hong Kong in May 2025, Professor Woodcock had claimed that Israel is a “colony”, practices “apartheid”, or commits “genocide”. Ex. 24 at 1. According to the notice, these professors had also reported that Professor Woodcock had “spammed” listservs maintained by the Association of American Law Schools with “your personal viewpoints concerning the Israeli-Palestinian conflict”. Ex. 24 at 2. Finally, the letter stated that they had alleged that Professor Woodcock had “us[ed] the University’s resources to circulate an online petition, Petition for Military Action Against Israel.” Ex. 24 at 2. The notice also stated that Professor Woodcock’s conference statements had been made “in your capacity as a University of Kentucky Law Professor.” Ex. 24 at 1–2. And the notice told Woodcock to “stop immediately” “doing anything that might violate University policy” (emphasis added). Ex. 24 at 2.

52. The notice then cited the University’s Ethical Principles and Employee Code of Conduct policy, which the notice stated “establishes guidelines for professional conduct for those who act for the University, including . . . those using University resources . . . and representatives acting as agents of the University.” Ex. 24 at 2; Ex. 45. (The policy appears to have since been withdrawn, with elements now contained in a new Employee Code. Ex. 12.) The notice next cited

the Institutional Statements Policy and stated that “the University does not” “issue public statements” and that the policy “applies to administrative and academic units across the University.” Ex. 24 at 2–3; Ex. 18. (The Institutional Statements policy appears to have since been superseded by an Institutional Neutrality Policy. Ex. 19.) The notice next cited the Use of Technology Resources policy and stated that it “prohibits” “sending unsolicited mass mailings or ‘spamming.’” Ex. 24 at 3; Ex. 46. Finally, the notice cited the Policy on Discrimination and Harassment and stated that it applies to “harassing written materials (hard copy or electronic).” Ex. 24 at 3; Ex. 14. The notice also stated that it the Policy on Discrimination and Harassment “incorporates the International Holocaust Remembrance Alliance’s definition of anti-Semitism.” Ex. 24 at 1. (The Policy on Discrimination and Harassment appears to have since been superseded by Administrative Regulation — Equal Dignity (Interim). Ex. 17.)

53. On September 8, 2025, Thompson sent Professor Woodcock an Amended Notice of Investigation. Ex. 25 at 1. The Amended notice did not cite any new University policies and it repeated the statement that the Policy on Discrimination and Harassment “incorporates the International Holocaust Remembrance Alliance’s definition of anti-Semitism.” Ex. 25 at 1. The notice stated that it was “amending” the original notice to “include” additional allegations. Ex. 25 at 1. It stated that the additional allegations were “based” on “reports” “by four students, some of whom are Jewish”. Ex. 25 at 1. The first notice of investigation had not used the “based” language, suggesting that the allegations in the amended notice—in contrast those made by professors at other schools in the original notice—had been generated by Defendants “based” on information obtained from the four students rather than by the four students themselves. Ex. 24 at 1. The notice stated that “Professor Woodcock created a hostile environment on the basis of race, color, or national origin” through four actions. Ex. 25 at 1–2. The first two were that Woodcock had “us[ed] his official position as a University of Kentucky professor to call for violence against Israel, the

genocide of Israeli people who are predominantly Jewish, and the ultimate destruction of Israel” and “call[ed] for violence against Israel, the genocide of Israeli people, and the ultimate destruction of Israel in a manner that uses anti-Semitic tropes”. Ex. 25 at 1–2. The notice did not provide any examples of such statements. Ex. 25 at 1–2. The third was that Professor Woodcock had stated at “an optional lecture” that he “does not need to invite or include any speakers or guest lecturers with a pro-Israeli viewpoint because such speakers are pro-genocide” and that this was an example of a set of otherwise undisclosed “anti-Semitic and anti-Israeli remarks” made during the lecture. Ex. 25 at 2. The final action listed by the notice was that Professor Woodcock had “shout[ed], ‘Free Palestine,’ while driving a car with University of Kentucky law students who won a bid during a fundraiser for the Student Public Interest Law Foundation to spend time with Professor Woodcock.” Ex. 25 at 2.

54. Defendant Thro later stated that “[t]he basis for the continuation of [Professor Woodcock’s] reassignment is all aspects of Ms. Thompson’s first and second notices of investigation. If she were to issue a third notice of investigation, those aspects would an additional basis for the reassignment as well.” Ex. 29 at 1. No more notices or amended notices of investigation have been issued even though, by December, the investigator had carried out more than twenty witness interviews. Ex. 47 at ¶ 8.

55. On August 25, 2025, Thompson sent Professor Woodcock a letter outlining an ad hoc process for the investigation that differed in several respects from the process for discrimination investigations outlined in written University policies. Ex. 26. According to the letter, the investigatory report that Thompson would produce would be “an attorney-client privileged report to the University of Kentucky’s General Counsel who will share the report with only people who have a need to know to receive legal advice. The attorney-client privilege belongs to the University, and only the University may waive the attorney-client privilege.” Ex. 26 at 2. The Due Process — Equal

Dignity regulation provides that prior to the convening of a disciplinary hearing, the respondent will be provided with a statement of charges that includes the “final investigative report.” Ex. 16 at § I.C.1. Thompson’s letter also stated that after the investigation Defendant Capilouto will issue a letter to Professor Woodcock determining whether disciplinary charges should be filed against him and identifying sanctions for his conduct. Ex. 26 at 2–3. Under OEO Policy, it is the responsibility of the executive director of the OEO to make the determination whether there is probable cause to file charges. Ex. 9 at § IV.B.6. And the Due Process — Equal Dignity regulation further provides that sanctions are determined by the hearing panel after adjudicating liability and after formal charges have been filed, not as part of the decision whether to file charges. Ex. 16 at § I.E.2.

56. According to Thompson’s letter, after Thompson completes her interviews, Professor Woodcock will be invited to answer questions. Thereafter he will have two opportunities to review “evidence in electronic format through a program that gives” “Professor Woodcock read-only access to the evidence”, after which the investigation will conclude. Ex. 26 at 2.

57. As a result of the suspension, Professor Woodcock lost his teaching, research, service, and governance privileges. The University canceled his Fall 2025 and Spring 2026 Semester courses and has declared that his suspension will remain in place as long as the investigation continues. He has been denied access to his office, research materials, and the law school building and library.

58. Defendants’ actions have inflicted much harm on Professor Woodcock. He has been deprived of the ability to teach, interact with students and colleagues in the law building, and use the research facilities contained in the law building, including his office and the law library. Professor Woodcock accepts a substantially smaller salary than he would command in the legal services market in exchange for the opportunity supplied to him by the University to teach, interact with students and colleagues in the setting of the law building, and use the law building’s research facilities.

Defendants' actions have also caused Professor Woodcock to self-censor. He has stopped posting to an academic blog on the Antizionist Legal Studies Movement website. His rate of posting to Twitter/X and other platforms fell as a result of the Defendants' actions. Speaking, writing, and publishing on Palestine have become sources of anxiety, fear, anguish as a result of Defendants' actions. Professor Woodcock has also been prevented from speaking to his students in his classes and from speaking with his students and colleagues outside of class, because they are easily accessible to him primarily in the law building from which he is banned. Professor Woodcock's family members have suffered fear, anguish and anxiety regarding their future, Professor Woodcock's ability to continue to provide for them, and their ability to remain in Lexington, where they have close community ties. Some of Professor Woodcock's mentors in academia both on campus and at other schools have shunned him. A hiring committee at another school expressed concern that their school would be unable to hire him as a lateral due to Defendants' actions. Professor Woodcock fears that if he publishes academic articles about his research conclusions about Palestine, the University will amend the notice of investigation to include those publications as allegations against him. In February, University lawyers suggested that if he published an article about Palestine in law reviews by submitting it to journals that spring through regular University channels, and sought to rely on the article for promotion and tenure purposes, the University might file disciplinary charges against him. Ex. 50 at 5–7. Professor Woodcock did not submit the article to journals. The Defendants' actions caused Professor Woodcock reputational harm, emotional distress, and financial loss, and, as a result of Defendants' actions, Professor Woodcock faces an imminent risk of termination.

59. Plaintiff has also taken a pay cut, relative to what he could earn in industry, in order to teach. That pay cut measures the value of the services provided to him by the University that he could not obtain in industry. These services include (but are not fully exhausted by) the value of a

research environment free of retaliation for scholarship or policy advocacy and the value of access to students and teaching. The investigation, suspension, and ban deprive Plaintiff of these bargained for services.

60. Israel is an American-backed colonization project committing apartheid and genocide at the heart of the Arab world, which is predominantly Muslim. Professor Woodcock is an Arab American and a Muslim of Algerian national origin. Like the vast majority of Arab Americans and Muslims the world over, he opposes the existence of Israel. Exs. 54–55.

61. Faculty at the University of Kentucky regularly call for war against states, including war that will end states. For four years, the College of Arts and Sciences has maintained a University-branded webpage soliciting donations for the Ukrainian military, which aims destroy the Russian-backed Donetsk People's Republic and the Russian-backed Luhansk People's Republic. Exs. 51–53. The University has not investigated the faculty responsible for the webpage for creating a hostile environment for Russian members of the University community because, in contrast to Professor Woodcock, the faculty promoting the destruction of Donetsk and Luhansk are perceived as having European descent or national origin or belonging to the Christian or Jewish faiths.

62. Faculty in the Department of Political Science have delivered defenses of Israel's commission of genocide in Gaza in the classroom, causing severe distress for Arab American and Muslim students in those classes. The University has not opened an investigation into the faculty responsible for this conduct, reassigned, or banned them because, in contrast to Professor Woodcock, they are perceived as having European descent or national origin or belonging to the Christian or Jewish faiths.

F. Defendant Van Tatenhove Takes Over as Dean and Ratifies the Suspension and Ban

63. On July 22, 2026, Plaintiff wrote to Defendant Van Tatenhove, who had taken office as the new dean of the law school on July 20, 2026, to ask that he exercise his authority—which the University insists is “absolute”—to end the suspension and ban imposed on Plaintiff by Defendant Van Tatenhove’s predecessor, Defendant Duff. Ex. 28 at 1. Plaintiff outlined constitutional, statutory, and contractual objections to the suspension and ban. On the afternoon of Saturday, August 22, 2026, twenty-eight days after the response deadline that Plaintiff had requested, and two days before the start of fall term classes on August 24, 2026, Defendant Van Tatenhove emailed Plaintiff a response letter, dated August 21, 2026, that stated that the interim suspension imposed on Plaintiff was “made for the duration of the investigation”, which is “ongoing,” and that “[f]or the reasons previously stated, a review of your status will not be conducted until the investigation is complete.” Ex. 64 at 2. It was not clear to what “previously stated” reasons he wished to refer. The only reason Defendant Duff had given for the suspension and ban was “to protect both you and the University[.]” Ex. 23 at 1.

G. Litigation and Status of the Investigation

64. Professor Woodcock brought federal constitutional and statutory claims against the University, Capilouto, Thro, DiPaola, and Duff in federal district court on November 13, 2025. Compl., *Woodcock v. Univ. of Ky.*, No. 25-0424 (E.D. Ky. Nov. 13, 2025); Ex. 49. He sought a preliminary injunction pausing the investigation, suspension, and ban and allowing him to return to teaching during the litigation. On January 8, 2026, the U.S. District Court for the Eastern District of Kentucky abstained under the doctrine of *Younger v. Harris*. *Woodcock v. University of Kentucky*, 820 F. Supp. 3d 555, 582 (E.D. Ky. 2026). On January 22, 2026, Plaintiff filed an appeal to the U.S. Court of Appeals for the Sixth Circuit (“Sixth Circuit”).

65. In the Sixth Circuit, Plaintiff requested “a ruling on his appeal in time to be added to the course schedule for the fall semester of 2026.” Motion to Expedite Appeal at 6, *Woodcock v. Univ. of Ky.*, No. 26-5057 (6th Cir. Feb. 24, 2026). The Court ordered an expedited briefing and submission schedule. Order at 1, *Woodcock v. Univ. of Ky.*, No. 26-5057 (6th Cir. Mar. 4, 2026). Plaintiff further notified the Sixth Circuit at oral argument on July 28, 2026, that Plaintiff sought an order returning him to teaching in the fall 2026 semester. On August 24, 2026, which was the first day of fall semester classes, the Sixth Circuit issued an opinion reversing the District Court’s abstention order and “remand[ing] for consideration of Woodcock’s motion for a preliminary injunction and further proceedings consistent with this opinion.” *Woodcock v. Univ. of Ky., et al.*, No. 26-5057, slip op. at 5 (6th Cir. Aug. 24, 2026), Ex. 56.

66. As of the date of issuance of the Sixth Circuit opinion, Plaintiff had a rapidly closing two-to-three-week window to obtain an order from the District Court returning him to teaching during the fall semester. That was because classes during the first week or two of the semester are usually non-substantive or introductory in nature and the law school occasionally substitutes teaching assignments during or immediately after this period. Thus, a ruling on the preliminary injunction on or before September 11, 2026, would allow Plaintiff to return to teaching in the fall semester.

67. However, the U.S. District Court was unable to act on Plaintiff’s motion for a preliminary injunction because the mandate returning the case to the U.S. District Court had not yet issued. The mandate returning the case to the U.S. District Court would not issue until seven days after the deadline for Defendants to petition the Sixth Circuit for rehearing of the case “or 7 days after entry of an order denying a timely petition for” rehearing, “whichever is later”. Fed. R. App. P. 41(b). Because the United States Secretary of Education was a party to the federal case, the deadline to petition for rehearing was forty-five days after issuance of the opinion, so the mandate might not

issue for at least seven weeks (forty-five-plus-seven days) and possibly longer if Defendants were to petition for rehearing. Fed. R. App. P. 40(d)(1)(C) (providing that when a “United States officer” “sued in an official capacity” is “one of the parties” to a case, the time to file a petition for rehearing is “45 days after entry of judgment”). Such delay would prevent the U.S. District Court from ruling on Plaintiff’s motion for a preliminary injunction before September 11, 2026, as needed to return Plaintiff to teaching in the fall semester. In that case, the U.S. District Court would not be able to return him to teaching until the start of spring semester classes in early January 2027—a delay of eighteen weeks.

68. Accordingly, on August 26, 2026, Plaintiff filed a motion in the Sixth Circuit requesting immediate issuance of the mandate. Ex. 57 at 1. The Sixth Circuit ordered Defendants to file a response by September 2, 2026, indicating “whether they intend to seek, or are considering seeking, rehearing.” Ex. 58 at 1. Defendants responded that they would file a petition for panel rehearing by September 4, 2026, and they did so on that day. Exs. 59–60. The Sixth Circuit has not yet ruled on the petition.

69. On December 1, 2025, two weeks after Plaintiff filed his federal suit challenging the constitutionality of the investigation, Thompson sent Woodcock forty-two questions about his speech and asked that he respond by December 15, 2025. Ex. 48 at 1. The questions were broad and intrusive. For example, one asked Professor Woodcock to “[d]escribe in detail or provide any emails from you regarding the Israeli-Palestinian conflict on listserves [sic] that the University of Kentucky or the [AALS] host” and “[e]xplain the relevance your emails have, if any, to the subject or purpose of each listserve [sic].” Ex. 48 at §§ 19–20. On December 3, 2025, Plaintiff asked Thompson to “extend the deadline for Professor Woodcock’s response to these questions until after the Court’s ruling on” the preliminary injunction “motion” that Plaintiff would file on December 12, 2025. Ex. 61 at 6. Thompson responded that “Professor Woodcock may take more time to respond to the

written questions.” Ex. 61 at 5. After the U.S. District Court abstained from consideration of the preliminary injunction motion, Thompson followed up to request that Plaintiff respond to the questions by January 23, 2026. Ex. 61 at 3–4. She stated that “[i]f Profssor Woodcock no longer intends to participate in this investigation, please kindly let me know as soon as possible.” Ex. 61 at 3. Thompson eventually agreed to extend the deadline until “two weeks (14 calendar days) after the U.S. Court of Appeals for the Sixth Circuit rules on the merits of [Plaintiff’s] appeal of the federal district court’s decision.” Ex. 62 at 6.

70. On August 25, 2026, after the Sixth Circuit issued its opinion remanding the case “for consideration of Woodcock’s motion for a preliminary injunction”, Thompson wrote to Plaintiff requesting answers to her written questions by Tuesday, September 8, 2026. Ex. 62 at 5; *Woodcock v. Univ. of Ky., et al.*, No. 26-5057, slip op. at 5 (6th Cir. Aug. 24, 2026), Ex. 56. This time, instead of asking whether Plaintiff wished to continue participating in the investigation, Thompson stated: “If I do not receive a response to the written questions on or before September 8, 2026, I will conclude that Professor Woodcock does not wish to participate in this investigation.” Ex. 62 at 5. It appears that, if Plaintiff does not respond to the questions and Defendants conclude that he does not wish to participate in the investigation, they will not provide him with the two opportunities to review and respond to any evidence against him that Defendants promised to him shortly after they initiated the investigation. Ex. 26 at 2.

71. On September 1, 2026, Plaintiff requested an extension until “two weeks after the decision of the District Court on his injunction motion or the decision on any appeal thereof, whichever is later.” Ex. 62 at 4. Plaintiff noted that “the Court of Appeals did not address the substantive merits of the injunction motion” and observed that “[w]hether it is legal to ask Prof. Woodcock to respond to those questions is one of the questions at issue in this motion.” Ex. 62 at 4. That day, Thompson denied the request and stated that if Plaintiff does not respond by Tuesday,

September 8, 2026, “I will have no choice but to conclude that Professor Woodcock does not wish to participate in this investigation.” Ex. 62 at 3. Plaintiff asked Thompspon to reconsider. Ex. 62 at 2–3. He pointed out that the Sixth Circuit had remanded the case to the U.S. District Court to rule on Plaintiff’s preliminary injunction motion and that in December 2025 Thompson had agreed to postpone the response deadline until the district court had ruled on that motion. Ex. 62 at 2–3. He questioned Defendants’ “about-face”. Ex. 62 at 2. He also pointed out that “[r]ushing to the next stage of the investigation before the District Court has had time to rule on the preliminary injunction motion undermines the jurisdiction of the District Court to decide the constitutionality of the investigation before it comes to a conclusion.” Ex. 62 at 3. Thompson again rejected Plaintiff’s request and reiterated that she would deem a failure to respond to mean “that Professor Woodcock does not wish to participate in this investigation.” Ex. 62 at 1. Plaintiff notified the Sixth Circuit that Defendants were now racing to conclude the investigation and potentially file disciplinary charges against Plaintiff before the district court can rule on the investigation’s constitutionality. Ex. 63.

72. On September 8, 2026, Plaintiff requested an extension in order to permit this Court to decide Plaintiff’s motion for a temporary restraining order. Thompson did not respond to that request. With the deadline to respond looming, and fearing that Thompson would use a failure to respond to the questions as a basis for cutting the investigation short and denying Plaintiff his right to review the evidence against him, Plaintiff sent his responses to the questions to Thompson early in the morning on September 9, 2026. Plaintiff requested that Thompspon embargo the answers until this Court has ruled on Plaintiff’s motion for a temporary restraining order. Thompson did not respond.

73. On September 10, 2026, the Sixth Circuit denied Defendants’ petition for panel rehearing. Order Denying Petition for Panel Rehearing, *Woodcock v. Univ. of Ky., et al.*, No. 26-5057 (6th Cir. Sept. 10, 2026). The Sixth Circuit also denied Plaintiff’s motion for immediate issuance of

the mandate without comment. Order Denying Motion for Immediate Issuance of the Mandate, *Woodcock v. Univ. of Ky., et al.*, No. 26-5057 (6th Cir. Sept. 10, 2026). Accordingly, the mandate will not issue until September 17, 2026. Fed. R. Civ. P. 41(b).

74. Professor Woodcock remains reassigned and banned from the law building.

LEGAL CLAIMS

Count I

Breach of Contract

Against the University

75. Each paragraph of this Complaint is incorporated as if fully restated herein.

76. Professor Woodcock's employment contract with the University includes his written appointment record and the University's governing and administrative regulations, faculty rules, and other policies. These are incorporated by reference into the terms of his appointment by the University's representation that they govern all aspects of the faculty-employment relationship. They are also part of his contract because they represent a written personnel policy and because Professor Woodcock has tenure.

77. The University breached this contractual relationship with Professor Woodcock in numerous ways, including the following.

78. The University lacked authority under the contract to suspend and ban Professor Woodcock. Professor Woodcock did not present a threat sufficient to meet any of the University's various threat standards for imposing a suspension or ban. Indeed, he presented no threat at all. The University did not consult with the law faculty or appropriate University faculty committees prior to suspending and banning Professor Woodcock. The contract prohibited the University from reassigning Professor Woodcock to a workload that was not comparable to that of colleagues and for reasons related to protection as opposed to Professor Woodcock's scholarly and teaching

expertise. The ad hoc process employed by the University's investigator violates the OEO Policy's prohibition on investigator bias and requirement that the OEO director decide probable cause. It also violates the requirement that the investigator's report be disclosed to the respondent.

79. The suspension, building ban and investigation also violate the University's Policy on Discrimination and Harassment and the Equal Dignity regulation, which prohibit subjecting an employee to negative or differential treatment based on race, religion, national origin, and political belief. The University suspended, banished, and investigated Professor Woodcock because of his political views about Israel and Palestine, his Arab American identity, and his Muslim faith in violation of that policy.

80. The University's revocation of the Regulations Affecting Employment, Section B(1)(f)(3) and the Policy on Discrimination and Harassment in October 2025 after Professor Woodcock raised these breaches does not cure the breach. A party cannot retroactively eliminate a contractual obligation it has already violated, particularly where, as here, the deletion was made without following the required amendment procedures and in direct response to a legal challenge. In addition, the investigation, suspension and ban are ongoing violations of University policies that are currently in force such as the University's workload policy which requires that faculty workloads be comparable.

81. As a result of these breaches, Professor Woodcock has lost the teaching, research, service, and governance rights central to his tenured appointment, suffered reputational harm, emotional distress, and financial loss, and faces the threat of termination.

82. Plaintiff seeks a declaration that the University breached its contract with Professor Woodcock, injunctive relief restoring him to the full workload and privileges of a tenured professor including course assignments and access to the law building, expungement of any record of the suspension and investigation from his personnel file, and damages as permitted by KRS 45A.245.

Count II**Violation of KRS 164.348, the Campus Free Speech Protection Act****Against All Defendants**

83. Each paragraph of this Complaint is incorporated as if fully restated herein.

84. KRS 164.348 requires public postsecondary institutions to adopt policies ensuring that faculty are granted the broadest possible latitude to speak on any issue, that ideas are not suppressed because administrators find them offensive or disagreeable, and that the institution does not retaliate against faculty for protected expression.

85. The statute also requires the adoption of policies that ensure “the free exchange of ideas is not suppressed because an idea put forth is considered by some or even most of the members of the institution’s community to be offensive, unwise, disagreeable, conservative, liberal, traditional, or radical.”

86. KRS 164.348(3)(a) grants a private right of action to any person aggrieved by a violation of those required policies, including reasonable attorney’s fees.

87. The University violated these requirements when it suspended Professor Woodcock, banned him from the law school building, and subjected him to an ongoing investigation all because the University administrators found his views on Israel and Palestine repugnant. That is precisely the suppression of faculty speech based on its content and viewpoint that KRS 164.348(2)(a), (b) and (c) prohibit.

88. The University also violated sections 2(a) and (b) of the statute when it issued its directive on July 22, 2025 through the outside investigator’s Notice of Investigation instructing Professor Woodcock to “stop immediately” the speech identified in the notice, which is protected expression, and any other speech that “might” violate University rules, which includes protected expression.

89. The University further violated the statute because it adopted and applied the definition of antisemitism which characterizes broad categories of political speech in opposition to Israel as antisemitic and used the definition as a basis for investigating and suspending Professor Woodcock in violation of KRS 164.348(2)(c)'s requirement that the institution not suppress ideas because they are considered offensive or disagreeable.

90. As a result of these violations, Plaintiff has suffered loss of his position, reputational harm, emotional distress, and attorney's fees and costs.

91. Plaintiff seeks damages pursuant to KRS 164.348(3)(c), plus reasonable attorney's fees and costs pursuant to KRS 164.348(3)(a).

Count III

Retaliation for Protected Speech

(Kentucky Constitution Sections 1, 2, and 8)

Against Defendants Capilouto, DiPaola, Thro and Duff

92. Each paragraph of this Complaint is incorporated as if fully restated herein.

93. The speech that motivated Defendants' actions—specifically, Professor Woodcock's circulation of the Petition for Military Action to AALS online discussion groups—addressed matters of profound public concern, including international conflict, foreign policy, and human rights in Palestine.

94. When circulating the Petition, Professor Woodcock spoke in his capacity as a private citizen and academic scholar, not pursuant to any official job duties or as a spokesperson for the University or the government.

95. As a university teacher and scholar, Professor Woodcock possesses a vital constitutional interest in engaging in robust public debate and academic inquiry under Section 8 of the Kentucky Constitution.

96. Professor Woodcock's exercise of protected speech did not disrupt University operations, impair workplace harmony, or interfere with the performance of his duties. Indeed, no members of the University community submitted complaints regarding the Petition, and any interest Defendants had in avoiding controversy or discomfort is outweighed by Professor Woodcock's rights under Section 8.

97. Defendants Capilouto, DiPaola, Thro, and Duff, acting in concert under color of state and university authority, engaged in a series of adverse actions against Professor Woodcock—including reassigning, suspending, and banning him from the law school, and subjecting him to a retaliatory investigation—mere days after he posted the Petition. Defendants Capilouto and Thro explicitly cited the Petition as the motivation for these actions.

98. These retaliatory actions would deter an individual or employee of ordinary firmness from exercising their right to free expression under the Kentucky Constitution.

99. Defendants took these actions with the specific intent to punish Professor Woodcock for his protected speech, to suppress further expression on these issues, and to isolate him from his students and professional peers. In doing so, Defendants acted arbitrarily and abused their official power, in direct violation of Section 2 of the Kentucky Constitution.

100. Professor Woodcock's constitutionally protected speech was a substantial and motivating factor in Defendants' decision to suspend, ban, and investigate him.

101. But for Professor Woodcock's protected speech under Section 8 of the Kentucky Constitution, Defendants would not have taken the adverse actions alleged herein.

102. As a direct and proximate result of Defendants' unlawful retaliation and arbitrary exercise of power, Professor Woodcock has suffered and continues to suffer irreparable harm to his constitutional rights, professional reputation, and academic standing, entitling him to declaratory and injunctive relief.

Count IV**Violation of the Kentucky Constitution—University Policies; Overbreadth****(Kentucky Constitution, Sections 1, 2, and 8)****Against Defendants Capilouto, DiPaola, Thro and Duff**

103. The University's Ethical Principles and Employee Code of Conduct (GR XIV) ("Ethical Principles"), Institutional Statements, Institutional Neutrality, spam, and antisemitism policies encompass speech that is fully protected under Section 8 of the Kentucky Constitution.

104. The academic speech of faculty pursuant to their official duties as public university employees, as well as the speech of faculty as private citizens, is protected by Section 8 of the Kentucky Constitution so long as it addresses a matter of public concern. Faculty speech in public, limited public, and nonpublic fora is likewise protected. The Ethical Principles and Institutional Statements/Neutrality policies violate Section 8 of the Kentucky Constitution in numerous ways, including as follows:

105. Compelled Speech: Section 8 prohibits the government from compelling speech. The policies compel faculty to state that their views are their own when exercising their rights under Section 8 to engage in academic speech or speech as a private citizen. They further require faculty speaking as private citizens to use personal email accounts while requiring faculty engaging in academic speech to use university email and stationery. Section 8 protects faculty academic speech and faculty speech as a private citizen on matters of public concern when using university resources, as well as faculty speech in public, limited public, and nonpublic fora hosted by the University.

106. Unlawful Restraints on University Resources: To the extent that the requirement of "ethical behavior" with University resources and the statement that "University assets are intended for University activities" prohibit protected speech on campus, in university facilities, via university

IT networks, during funded travel, or in other circumstances in which protected speech touches on the use of university resources, the policies violate Section 8.

107. Infringement on Assembly and Electronic Fora: Section 8 protects faculty academic and private citizen speech on matters of public concern, the freedom of faculty to associate, and the right of faculty to speak in limited public, public, and nonpublic fora, including digital fora. To the extent that the spam policy prevents faculty from exercising these state constitutional rights, it violates Section 8.

108. The policies are unconstitutionally overbroad under the Kentucky Constitution because they encompass protected speech and implicate freedom of association, and there are a substantial number of instances where the policies cannot be applied consistent with Section 8.

109. The policies also objectively chill protected speech and expression by predicting negative consequences based on whether a faculty member follows complex, arbitrary rules regarding which email account they are authorized to use for a particular statement, when they are required to issue a pro forma “views are my own” disclaimer, whether they are permitted to disclose their job title or university affiliation, whether they benefit from any university resources while speaking, and whether they are communicating electronically with too many people at once. This regulatory burden creates an unconstitutional incentive for faculty not to speak publicly, access protected fora, or digitally associate with other faculty.

110. In adopting, maintaining, and enforcing these overbroad and arbitrary policies in their official capacities, Defendants Capilouto, DiPaola, Thro, and Duff have exercised arbitrary power in violation of Section 2 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief invalidating these policy provisions.

Count V

Violation of the Kentucky Constitution—University Policies; Prior Restraint

(Kentucky Constitution, Sections 1, 2, and 8)

Against Defendants Capilouto, DiPaola, Thro and Duff

111. Each paragraph of this Complaint is incorporated as if fully restated herein.

112. Under Section 8 of the Kentucky Constitution, prior restraints on expression are subject to a heavy presumption against their constitutionality. A prior restraint exists when government or public officials deny the use of a forum in advance of actual expression, or require prior administrative permission before speech may occur.

113. The University's spam policy is a classic prior restraint. It prevents the sending of "mailings" "without proper authorization and coordination with UK Public Relations and Marketing." Furthermore, the University's directive to Professor Woodcock in its August 22, 2025 Notice of Investigation to "stop immediately" conduct that by implication included statements at conferences, posts to faculty and AALS listservs, and circulation of a petition for military action constitutes an unconstitutional prior restraint on protected speech under Section 8.

114. The spam policy grants University officials unbridled discretion to grant or deny requests to communicate with multiple individuals at once, while failing to impose any narrow, objective standards or time limits for making such determinations. The absence of concrete, objective standards invites arbitrary suppression of speech, violating both Section 8 (Freedom of Speech) and Section 2 (Prohibition of Arbitrary Power) of the Kentucky Constitution.

115. Similarly, the directive instructing Professor Woodcock to "stop immediately" his protected speech regarding Palestine articulates no narrow, objective, or clear constitutional standards, serving as an impermissible blanket gag order and prior restraint.

116. Faculty who violate the spam policy face severe administrative discipline. The University further emphasized this coercive threat in its August 22, 2025 Notice of Investigation,

warning that if the University uncovers additional speech or conduct it deems impermissible, it may bring additional allegations and impose further discipline.

117. In adopting and enforcing the spam policy and imposing the directive to “stop immediately,” Defendants Capilouto, DiPaola, Thro, and Duff acted in their official capacities as state university officials, exercising arbitrary power in direct violation of Sections 1, 2, and 8 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief.

Count VI

Violation of the Kentucky Constitution—University Policies; Void for Vagueness

(Kentucky Constitution, Sections 1, 2, and 8)

Against Defendants Capilouto, DiPaola, Thro and Duff

118. Each paragraph of this Complaint is incorporated as if fully restated herein.

119. Under the Kentucky Constitution, administrative rules and public policy restrictions must define prohibitions with sufficient definiteness that ordinary people can understand what conduct is prohibited, and in a manner that does not encourage arbitrary and discriminatory enforcement.

120. Numerous provisions in the University's Ethical Principles, Institutional Statements, spam, and antisemitism policies are impermissibly vague, ambiguous, and subjective under Sections 2 and 8 of the Kentucky Constitution, including the following:

121. The distinction maintained in the Ethical Principles and Institutional Statements/Neutrality policies between those speaking “in a professional or expert capacity,” “commenting publicly as part of their official duties,” or speaking as a “scholar or subject matter expert” versus speaking as a “citizen” or “private individual” is amorphous and subjective.

122. Terms such as “public statement,” “institutional statement,” and statements regarding “societal issues and events” lack objective definitions or operational boundaries.

123. Unclear carve-outs for “academic freedom” and the right to speak as a private citizen create intractable uncertainty as to what is permitted, prohibited, or required. The requirement to “emphasize” that views are one’s own whenever there is an “appearance” of speaking for the University relies entirely on subjective perception.

124. The prohibition against using University signatures or titles in personal communications directly conflicts with provisions authorizing the use of the University name to establish subject-matter expertise when making personal statements.

125. The spam policy contains no definition of “spam” or “mass mailing,” leaving faculty to guess whether sending two emails, ten emails, or a hundred emails triggers disciplinary sanctions.

126. Directives requiring “ethical behavior” regarding University property, along with statements that University resources are “intended for University activities,” articulate no objective standards, leaving faculty exposed to arbitrary disciplinary enforcement.

127. The antisemitism policy fails to state whether the IHRA examples are binding or advisory. The core definition of antisemitism as “a certain perception of Jews, which may be expressed as hatred” is inherently subjective. Furthermore, references in the examples to “double standards,” behavior “expected” of other “democratic nations,” “comparisons” with Nazis, “racist endeavor,” and the “right to self-determination” (without defining that term and without clarifying whether it applies in Palestine or globally) fail to provide clear notice of what speech constitutes a policy violation.

128. Because these policies force faculty members to guess at their meaning and grant University administrators broad, unbridled discretion to enforce them arbitrarily, the Ethical Principles, Institutional Statements, spam, and antisemitism policies are void for vagueness under Sections 2 and 8 of the Kentucky Constitution.

129. In adopting, maintaining, and enforcing these vague policies in their official capacities, Defendants Capilouto, DiPaola, Thro, and Duff have exercised absolute and arbitrary power over Plaintiff in direct violation of Section 2 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief.

Count VII

Violation of the Kentucky Constitution—Preference of Religion and Infringement on Rights of Conscience

(Kentucky Constitution, Sections 1, 2, and 5)

Against Defendants Capilouto, DiPaola, Thro and Duff

130. Each paragraph of this Complaint is incorporated as if fully restated herein.

131. By adopting the IHRA definition of antisemitism, which favors the Jewish faith by branding as hate speech criticism of claims that adherents to that faith are entitled to political rights specifically by virtue of their religious affiliation, Defendants, acting in their official capacities as state university officials, have violated and will continue to violate Section 5's explicit command against conferring governmental preference on any religious denomination or religious-based doctrine.

132. Defendants do not treat as hate speech the denial of a right of self-determination to any other religious or secular group. Indeed, in other contexts, Defendants would treat support for a right to self-determination based on adherence to a specific religion as impermissible speech. Defendants' adoption and enforcement of the IHRA definition fails to further any compelling governmental interest and is not narrowly tailored under Section 5 of the Kentucky Constitution.

133. Plaintiff is being coerced to suppress expression of his beliefs and rights of conscience—including in his work as a member of the faculty of the law school—via the continuing sanctions of suspension, banishment, and investigation, along with the threat of permanent sanction

up to and including termination, imposed by Defendants on the ground that he may have violated University rules to which Defendants apply the IHRA definition's self-determination example. Plaintiff is being further coerced to suppress his expression and rights of conscience to avoid the institutional disapproval of members of the University community influenced by the University's adoption of the IHRA definition.

134. Under Kentucky law and historical tradition, there is no precedent or tradition of endorsing an abstract right of a religious group to form a government, nor is there a historical practice or tradition of state officials punishing criticism thereof or treating such criticism as actionable hate speech. Section 5 of the Kentucky Constitution was adopted precisely to prevent state institutions from taking sides in theological disputes or enforcing orthodoxy concerning religious-based political claims.

135. The IHRA definition's self-determination example facially differentiates among religions by singling out a Jewish-faith-based right of self-determination for special institutional protection against academic and political criticism. Defendants' official adoption and enforcement of the example impermissibly entangles the state university with religious doctrine and confers governmental endorsement on a specific religious polity, in direct violation of Section 5.

136. The suspension, banishment, and investigation of Plaintiff enforce special administrative rules regarding criticism of a religious-faith-based right of self-determination, violating Section 5's strict prohibition against asserting a preference for one religious denomination or system of ecclesiastical polity over others.

137. In adopting and enforcing these preference-based rules and penalizing Plaintiff's exercise of conscience and scholarly inquiry, Defendants Capilouto, DiPaola, Thro, and Duff have exercised arbitrary power in direct violation of Section 2 and Section 5 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief.

Count VIII**Violation of the Kentucky Constitution—Procedural Due Process and Arbitrary Deprivation
of Liberty and Property****(Kentucky Constitution, Sections 1, 2, and 14)****Against Defendants Capilouto, Thro, DiPaolo, and Duff**

138. Each paragraph of this Complaint is incorporated as if fully restated herein.

139. Plaintiff possesses protected property and liberty interests in his tenured faculty position at the University of Kentucky under Kentucky law and University regulations.

140. Acting in their official capacities as state university officials, Defendants deprived Plaintiff of his property rights by “reassigning” him to a non-existent position with zero duties for the Fall semester of 2025 and continuing into subsequent academic terms.

141. Defendant Capilouto violated Plaintiff’s constitutionally protected liberty interest in his reputation and professional standing by publicly announcing his suspension, publicly attributing it to reasons that seriously impugn his morality and professional competence, and banning him from accessing the law school building. Although Defendant Capilouto did not explicitly name Plaintiff in his public communication, members of the University community and the public readily inferred Plaintiff’s identity.

142. Teaching, research, service, and presence on campus are among the fundamental duties, privileges, and property entitlements of tenured faculty members.

143. While Dean Duff possesses limited administrative discretion in determining workload and course assignments, that discretion does not permit the complete elimination of a tenured professor’s teaching, research, and service duties. According to the University’s Administrative Regulation 3:8, which guides aspects of University governance, workload assignments must be made “to assure fairness in the distribution of responsibility among faculty

employees,” and procedures must “assure that all faculty employees within the unit have comparable workloads.”

144. Elaborating on this standard, the law school developed a policy establishing minimum and maximum faculty workloads in the three main areas of faculty responsibility, setting the minimum teaching workload for law faculty at 40% and the maximum at 55%.

145. Defendants’ summary suspension and banishment of Plaintiff was baseless, arbitrary, unwarranted, and served no legitimate government interest, in direct violation of Section 2 of the Kentucky Constitution.

146. Prior to suspending Plaintiff from his faculty position and banning him from the law building, Defendants failed to provide him with basic procedural due process guaranteed by Sections 2 and 14 of the Kentucky Constitution. Specifically, Defendants failed to provide Professor Woodcock with timely oral or written notice of the specific allegations against him, failed to disclose the evidence supporting those allegations, and failed to afford him an opportunity to present his defense before an impartial decision-maker prior to imposing deprivation.

147. Acting jointly and in concert with one another, Provost DiPaola participated in the decision to suspend Professor Woodcock and ban him from the law building, Dean Duff executed the decision, and President Capilouto and General Counsel Thro reviewed and approved it.

148. Before speaking with Professor Woodcock or conducting a fair and objective investigation, Defendants predetermined that his suspension and banishment were appropriate, thereby forfeiting their status as neutral or impartial adjudicators.

149. Furthermore, Defendants actually and imminently threaten to deprive Professor Woodcock of his property and liberty interests in his tenured position through additional sanctions—including termination, suspension without pay, salary reduction, or permanent banishment—via an administrative process tainted by a high probability of bias.

150. Defendants, having initiated the investigation and publicly accused Professor Woodcock of advocating the destruction of a people, harboring repugnant views, and expressing hate, intend to serve as the final decision-makers regarding liability and sanctions.

151. In addition, the administrative framework is structural and personally biased:

152. The institution Defendants lead faces significant financial pressures regarding federal funding conditioned on suppressing specific academic expression, creating a structural conflict of interest.

153. Defendant Capilouto harbors personal and ideological bias.

154. Defendants appointed an investigator with personal and financial conflicts of interest due to her public political advocacy and her law firm's client associations.

155. Due to this investigative and adjudicative bias, the outcome of the administrative process is predetermined and futile, depriving Plaintiff of the fair and impartial tribunal required by Sections 2 and 14 of the Kentucky Constitution.

156. In implementing and approving Plaintiff's summary suspension, banishment, and biased administrative process without notice or a hearing, Defendants Capilouto, DiPaola, Thro, and Duff exercised absolute and arbitrary power over Plaintiff's liberty and property, in direct violation of Sections 1, 2, and 14 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief, including immediate reinstatement and a stay of all biased proceedings.

Count IX

Race, Religion and National Origin Discrimination in Violation of State Equal Protection

Guarantees

(Kentucky Constitution, Sections 1, 2, and 3)

Against Capilouto, Thro, DiPaola, and Duff

157. Each paragraph of this Complaint is incorporated as if fully restated herein.

158. Sections 1, 2, and 3 of the Kentucky Constitution guarantee equal protection of the laws to all persons within the Commonwealth, strictly prohibiting state officials from subjecting individuals to discriminatory classifications, unequal treatment, or arbitrary governmental action based on race, ancestry, or national origin.

159. Defendants publicly condemned, suspended, banished, and initiated an investigation (under threat of termination) against Plaintiff based on his Arab ancestry, Muslim faith, and Algerian national origin.

160. University administrators were well aware of Plaintiff's ancestry and national origin, and explicitly associated his protected speech regarding Palestine with his background—a political and academic perspective held disproportionately by individuals of Arab or Algerian heritage.

161. Defendants' adverse actions were motivated by, and but-for caused by, Plaintiff's Arab ancestry and Algerian national origin. Defendants took no adverse action against speakers of non-Arab ancestry or national origin who expressed support for military action in Palestine, but singled out Plaintiff for summary suspension, banishment, and retaliatory investigation.

162. Furthermore, Defendants' severe, pervasive, and objectively offensive conduct created an unconstitutional hostile working and academic environment for Plaintiff based on his race and national origin. By publicly vilifying Plaintiff, barring him from law school facilities, causing colleagues to shun him, cutting off his access to students and research facilities, and preventing him from teaching, conferring with colleagues, or participating in service and faculty governance, Defendants deprived Plaintiff of the equal protection of the laws and the equal enjoyment and privileges of his employment.

163. In singling out Plaintiff for discriminatory treatment, public vilification, and administrative punishment based on his race, ancestry, and national origin, Defendants Capilouto,

DiPaola, Thro, and Duff, acting as state officials, exercised absolute and arbitrary power in direct violation of Sections 1, 2, and 3 of the Kentucky Constitution.

164. As a direct and proximate result of Defendants' unlawful and discriminatory actions, Plaintiff has suffered emotional distress, humiliation, isolation, severe damage to his professional reputation and career, attorney's fees, and consequential damages, entitling him to declaratory and injunctive relief (including immediate reinstatement, rescission of the banishment, and cessation of the biased investigation).

Count X

Race and National Origin Discrimination and Hostile Work Environment

(Kentucky Civil Rights Act)

Against All Defendants

165. Each paragraph of this Complaint is incorporated as if fully restated herein.

166. At all relevant times, Plaintiff was an "employee" and the University of Kentucky was an "employer" within the meaning of the Kentucky Civil Rights Act.

167. Plaintiff is an Arab of Algerian ancestry and national origin and a Muslim. On information and belief, Plaintiff is the only Arab faculty member at the law school.

168. Support for Palestinian human rights and liberation is disproportionately associated with individuals of Arab ancestry and national origin. University administrators were aware of Plaintiff's protected status (Muslim, Arab ancestry and Algerian national origin) and explicitly associated his protected academic speech with his ancestry and national origin.

169. University and law school administrators subjected Plaintiff to discriminatory comments regarding his ancestry, ethnicity, and background, including:

170. A law school administrator making derogatory stereotyping remarks regarding North African attire (joking about giving Plaintiff a "fez");

171. Administrators pointedly questioning Plaintiff regarding his religious practices and holidays; and a senior faculty colleague repeatedly attributing Plaintiff's views on Palestine to his mother's Algerian descent and urging him to emphasize his Algerian background publicly.

172. Plaintiff and the University of Kentucky are parties to an employment contract whereby the University employs Plaintiff as a tenured law professor.

173. Defendants "reassigned" or approved the reassignment of virtually all of Professor Woodcock's job duties, stripping him of teaching, research, and service obligations, and imposing restrictive terms and conditions of employment that Defendants do not impose on non-Arab, non-Algerian tenured faculty.

174. Defendants discriminated against Plaintiff in the terms, conditions, and privileges of his employment because of his race, ancestry, and national origin.

175. But for Plaintiff's race and national origin, Defendants would not have taken the adverse employment actions alleged herein. Defendants tolerate, protect, and participate in campus speech supporting military action in Palestine, but enforced a unique "both sides" policy specifically tailored to censor pro-Palestinian speech. Defendants actively exploited anti-Arab and Islamophobic tropes—stereotyping Plaintiff as bloodthirsty, genocidal, and anti-Christian—to justify stripping him of his faculty position and subjecting him to administrative sanctions.

176. Defendants' severe, pervasive, and objectively offensive conduct created a hostile work environment for Plaintiff based on his race and national origin. Defendant Capilouto's false public statements branding Plaintiff as expressing hate and seeking to destroy a people, combined with his public suspension, banishment, and investigation, invited public vilification, caused colleagues to shun him, cut off his access to students, and generated threatening communications. This harassment unreasonably interfered with Plaintiff's work performance and deprived him of the benefits and privileges of his employment.

177. Defendants Capilouto, DiPaola, Thro, and Duff, acting in their individual and official capacities, jointly conspired, aided, abetted, and willfully engaged in acts of discrimination and harassment against Plaintiff on account of his race and national origin.

178. As a direct and proximate result of Defendants' unlawful discrimination and hostile work environment under the KCRA, Plaintiff has suffered humiliation, embarrassment, mental and emotional distress, severe damage to his professional reputation, loss of career opportunities, and attorney's fees, for which he is entitled to compensatory damages, injunctive relief (including immediate reinstatement), and reasonable attorney's fees.

Count XI

Unconstitutionality of Kentucky Senate Joint Resolution 55

(Kentucky Constitution, Sections 1, 2, and 8)

Kentucky Attorney General

179. Each paragraph of this Complaint is incorporated as if fully restated herein.

180. Kentucky Senate Joint Resolution 55 ("SJR 55") directs Kentucky's public postsecondary education institutions to "adopt policies to combat antisemitism within their institutions that use as guidance the definition of 'antisemitism'" promulgated by the International Holocaust Remembrance Alliance (IHRA). This legislative directive 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.

181. Impermissible Viewpoint Discrimination: SJR 55 directs public universities to engage in viewpoint-based censorship in violation of Section 8 of the Kentucky Constitution. The 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. Section 8 strictly prohibits state legislative directives that mandate viewpoint discrimination in public higher education.

182. SJR 55 is unconstitutionally overbroad under Section 8 of the Kentucky Constitution because it mandates the suppression of speech that is fully protected under state law. It directs public universities to restrict core political, academic, and scholarly speech by faculty, where Section 8 protections are at their zenith, and there are a substantial number of applications where SJR 55 cannot be applied consistent with the Kentucky Constitution.

183. SJR 55 objectively chills protected expression across Kentucky public universities by commanding institutional sanctions (“combatting”) predicated on failure to adhere to an expansive, speech-restrictive definition. This legislative mandate creates a severe deterrent effect, causing public university faculty to self-censor core academic and political expression.

184. SJR 55 is unconstitutionally vague under Sections 2 and 8 of the Kentucky Constitution. It forces universities and faculty to guess at the legal boundary of permissible speech:

185. It fails to define whether the IHRA illustrative examples are binding regulatory standards or advisory criteria; the core IHRA definition of antisemitism as “a certain perception of Jews, which may be expressed as hatred” is inherently subjective and amorphous; and key terms within the illustrative examples—including “double standards,” behavior “expected” of other “democratic nations,” “comparisons” with Nazis, “racist endeavor,” and the “right to self-determination” (without clarifying its geographic or political application)—lack objective legal standards.

186. By commanding state postsecondary institutions to adopt standardless, vague, and viewpoint-discriminatory speech restrictions against public university faculty, SJR 55 represents an exercise of absolute and arbitrary power over speech, thought, and academic inquiry in direct violation of Section 2 of the Kentucky Constitution.

187. Defendant in his official state capacity, maintains, enforces, and threatens the enforcement of SJR 55 against public postsecondary institutions, entitling Plaintiff to declaratory relief invalidating SJR 55 under the Kentucky Constitution and injunctive relief prohibiting its implementation or enforcement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests:

- A. A declaration that the University breached its employment contract with Professor Woodcock through its suspension, building ban and investigation into his political speech;
- B. A declaration that the University violated KRS 164.348;
- C. An injunction ordering the University to cease the investigation into Professor Woodcock's political speech;
- D. An injunction ordering the University to restore Professor Woodcock to the full workload and privileges of a tenured professor in the law school, including course assignments, access to the law building, and participation in faculty governance;
- E. An injunction ordering the University to expunge any record of the suspension, banishment, and investigation from Professor Woodcock's personnel file;
- F. A declaratory judgment that Defendants' suspension, reassignment, banishment, and investigation of Plaintiff violate Sections 1, 2, 5, 8, and 14 of the Kentucky Constitution.
- G. A declaratory judgment that Defendants' summary suspension and banishment of Plaintiff without pre-deprivation notice, an opportunity to be heard, or an impartial tribunal constitute an arbitrary exercise of power prohibited by Section 2 of the Kentucky Constitution.
- H. A declaratory judgment that the University of Kentucky's Ethical Principles, Employee Code of Conduct, Institutional Statements, Institutional Neutrality, spam, and

antisemitism policies are unconstitutional, overbroad, vague, prior restraints, and impermissibly viewpoint-discriminatory under the Kentucky Constitution.

I. A declaratory judgment that Kentucky Senate Joint Resolution 55 is unconstitutional, void, overbroad, vague, and impermissibly commands viewpoint discrimination in violation of the Kentucky Constitution.

J. A declaratory judgment that Defendants' adoption and enforcement of the International Holocaust Remembrance Alliance (IHRA) definition's self-determination example violates the Kentucky Constitution's prohibition against conferring official governmental preference on any religious denomination or religious-based doctrine, and impermissibly infringes upon rights of conscience.

K. Preliminary and permanent injunctions enjoining Defendants from continuing the pending investigation against Plaintiff, bringing further administrative charges against Plaintiff based on protected academic or political expression, or enforcing any disciplinary sanctions against him.

L. Preliminary and permanent injunctions restraining Defendants from enforcing the unconstitutional provisions of the Ethical Principles, Institutional Statements, spam, and antisemitism policies against Plaintiff or other university faculty.

M. Preliminary and permanent injunctions enjoining the Commonwealth and University Defendants from implementing or enforcing Kentucky Senate Joint Resolution 55.

N. An award of compensatory damages against all Defendants, jointly and severally, for economic loss, emotional distress, embarrassment, humiliation, and damage to professional reputation resulting from unlawful discrimination, hostile work environment, and retaliation.

O. An award of reasonable attorneys' fees, litigation expenses, and costs of this action as authorized by law.

P. Monetary damages for reputational harm, emotional distress, and financial loss as permitted under KRS 45A.245;

Q. Monetary damages under KRS 164.348(3)(c);

R. Attorneys' fees and costs;

S. Pre- and post-judgment interest; and

T. Such other relief as law and justice allow.

JURY DEMAND

Plaintiff requests a trial by jury with respect to any issues so triable.

Respectfully Submitted,

/s/ Soha Saiyed

/s/ Rima N. Kapitan (pro hac vice application pending)

Soha Saiyed

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LIST OF EXHIBITS

- Exhibit 1: Woodcock Offer Letter
- Exhibit 2: Governing Regulation I: Declaration of Principles
- Exhibit 3: Governing Regulation V Shared Gov.
- Exhibit 4: Governing Regulation IV Faculty Responsibility
- Exhibit 5: Admin. Reg. 3.8 Workload
- Exhibit 6: Regulations Affecting Employment (Old)
- Exhibit 7: Admin. Reg. Due Process (Interim)
- Exhibit 8: Admin. Reg. 1.6 Issuance of Regulations
- Exhibit 9: Office of Equal Opportunity Policy
- Exhibit 10: Law Faculty Rules (6.30.2024)
- Exhibit 11: Admin. Reg. University Organization
- Exhibit 12: Admin. Reg. Employee Code
- Exhibit 13: SACSCOC Resource Manual (Excerpts)
- Exhibit 14: Admin. Reg. 6.1 Policy on Discrimination
- Exhibit 15: Regulations Affecting Employment (New)
- Exhibit 16: Due Process Equal Dignity
- Exhibit 17: Admin. Reg. Equal Dignity (Interim)
- Exhibit 18: Institutional Statements Policy
- Exhibit 19: Institutional Neutrality Policy
- Exhibit 20: Discrimination and Harassment Webpage
- Exhibit 21: Capilouto Message
- Exhibit 22: Thro Letter 7-18-25

Exhibit 23: Duff Letter

Exhibit 24: First NOI

Exhibit 25: Second NOI

Exhibit 26: Thompson Letter 8-25-25

Exhibit 27: Kapitan Letter 9-11-25

Exhibit 28: Thro Letter 9-19-25

Exhibit 29: Thro Email 10-30-25

Exhibit 30: Hearing Tr.

Exhibit 31: Woodcock Decl. 1-2-26

Exhibit 32: Michael Decl.

Exhibit 33: Donovan Decl.

Exhibit 34: Bird-Pollan Decl.

Exhibit 35: Lee Decl.

Exhibit 36: Hawthorne Decl.

Exhibit 37: Caldwell Decl.

Exhibit 38: Bolter Decl.

Exhibit 39: Beebout Decl.

Exhibit 40: Kapitan Letter 9-24-25

Exhibit 41: Admin. Reg. 2.2-1

Exhibit 42: Admin. Reg. 2.1-1

Exhibit 43: Petition for Military Action Against Israel

Exhibit 44: NY Times, May 18, 2025, Project Esther

Exhibit 45: Ethical Principles and Employee Code of Conduct

Exhibit 46: Admin. Reg. 10.1 Use of Technology Resources

Exhibit 47: Thompson Decl.

Exhibit 48: Written Questions

Exhibit 49: Federal Am. Compl.

Exhibit 50: University Court of Appeals Filing

Exhibit 51: Statement on Ukraine

Exhibit 52: Donate to Ukraine's Defenders

Exhibit 53: Donbass Reintegration

Exhibit 54: Poll of Arabs

Exhibit 55: Poll of Non-Arab Muslim Countries

Exhibit 56: Sixth Circuit Opinion

Exhibit 57: Motion for Immediate Mandate Issuance

Exhibit 58: Order in Response to Motion for Mandate

Exhibit 59: Univ. Resp. Motion for Mandate

Exhibit 60: Univ. Pet. Rehearing

Exhibit 61: First Extension Email Chain

Exhibit 62: Second Extension Email Chain

Exhibit 63: Notice Regarding Refusal to Extend Deadline

Exhibit 64: Van Tatenhove Letter

Exhibit 65: Woodcock Decl. 2-11-26

Exhibit 66: Woodcock Decl. 1-21-26

Exhibit 67: Faculty Handbook Preface

Exhibit 68: Order Transferring Venue

**COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION**

CASE No. _____

Ramsi A. Woodcock,

Plaintiff,

Case No. [_____]

v.

University of Kentucky et al.,

Defendants.

VERIFICATION

STATE OF Pennsylvania)

) SS:

COUNTY OF Blair)

Comes now the Plaintiff, Ramsi A. Woodcock, and after first being duly sworn, states that they have read the foregoing Verified Complaint; that they are familiar with the factual allegations contained therein; and that all statements, facts, and allegations set forth in the Complaint are true and accurate to the best of their personal knowledge, information, and belief.

Ramsi Awad Woodcock

Ramsi A. Woodcock, Plaintiff

Subscribed, sworn to, and acknowledged before me by Ramsi A. Woodcock on this 9th day of September, 2026.

My Commission Expires: 12/15/2029

Notary Commission Number: 1465050



NOTARY PUBLIC, STATE AT LARGE

Commonwealth of Pennsylvania - Notary Seal
Joseph Stewart Orlowsky, Notary Public
Blair County
My commission expires December 15, 2029
Commission Number 1465050

Notarized remotely online using communication technology via Proof.

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION

CASE NO. _____

Ramsi A. Woodcock,

Plaintiff,

Case No. [_____]

v.

University of Kentucky,
Eli Capilouto (in his official and individual capacities),
Robert DiPaola (in his official and individual capacities),
William Thro (in his official and individual capacities),
Gregory Van Tatenhove (in his official and individual capacities),
James C. Duff (in his individual capacity);

Defendants.

**PLAINTIFF'S EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING ORDER**

Pursuant to Kentucky Rules of Civil Procedure (CR 65.03 and CR 65.04), Plaintiff Ramsi Woodcock respectfully moves this Court for an emergency Temporary Restraining Order and a subsequent Temporary Injunction.

Plaintiff requests that this Court immediately enter an order:

1. Enjoining and restraining Defendants from continuing, advancing, or finalizing their investigation into Plaintiff pending further order of this Court; and
2. Mandating that Defendants immediately reinstate Plaintiff to his full teaching duties for the Fall 2026 academic semester pending further order of this Court.

In support of this Motion, Plaintiff states as follows:

1. Simultaneously with this Motion, Plaintiff has filed a Verified Complaint setting forth claims for constitutional violations, breach of contract, and equitable relief.
2. As detailed in the accompanying Memorandum of Law, Plaintiff will suffer immediate and irreparable injury, loss, or damage before notice can be served and a full hearing had, or during the procedural window required to resume federal district court proceedings.
3. Specifically, U.S. Court of Appeals for the Sixth Circuit recently reversed the federal district courts abstention order. However, the federal mandate has not yet issued. Defendants are moving forward with their investigation. Moreover, Defendants have used the threat of deeming Plaintiff unwilling to participate in the investigation to extract responses to unconstitutional questions from Plaintiff. Defendants may use those responses against Plaintiff.
4. If Defendants finish the investigation before the federal trial court reacquires jurisdiction, Plaintiff will not be able to obtain an adequate remedy for constitutional harm because money is not adequate compensation for a deprivation of constitutional rights.
5. Furthermore, Fall 2026 classes have already begun. Plaintiff has until Friday, September 11, 2026, to secure a return to the classroom this semester. If Plaintiff is not reinstated via an emergency order now, the fall semester will progress too far to permit a remedy, causing irreversible harm to Plaintiff's career, reputation, and teaching continuity that cannot be compensated by back pay—as will as irreparable harm arising from ongoing deprivation of Plaintiff's constitutional rights.
6. The status quo to be preserved is the last, actual, peaceable, uncontested status which preceded this controversy: Plaintiff's unsuspended employment as a classroom teacher.
7. Pursuant to CR 65.05, Plaintiff is prepared to post a bond in an amount determined by the Court to capture any costs or damages found to be sustained by any party wrongfully

enjoined. Plaintiff proposes \$100 in light of the importance of vindicating constitutional rights.

WHEREFORE, Plaintiff respectfully requests that this Court:

- GRANT this Emergency Motion for a Temporary Restraining Order;
- ENTER the tendered Proposed Order submitted herewith; and
- SCHEDULE a briefing schedule and hearing on Plaintiff's Motion for a Temporary Injunction at the Court's earliest convenience.

Dated: September 10, 2026.

Respectfully Submitted,

/s/ Soha Saiyed

/s/ Rima N. Kapitan (pro hac vice application pending)

Soha Saiyed

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Pro hac vice motion pending

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CERTIFICATE OF EFFORT TO GIVE ADVANCE NOTICE

I hereby certify that on this 10th day of September, 2026, I have to given notice of this emergency application to Defendants' legal counsel, Bryan Beaman, by emailing a courtesy copy of these pleadings to BBeaman@sturgillturner.com at 5:00 PM.

Dated: September 10, 2026.

/s/ Joe F. Childers
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2026, a true and accurate copy of the foregoing document was filed electronically with the Clerk of the Court using the Kentucky Court of Justice eFiling system, which will automatically send a copy of the foregoing to all counsel of record.

/s/ Joe F. Childers
Counsel for Plaintiff

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION

CASE NO. _____

Ramsi A. Woodcock,

Plaintiff,

v.

University of Kentucky,
Eli Capilouto (in his official and individual capacities),
Robert DiPaola (in his official and individual capacities),
William Thro (in his official and individual capacities),
Gregory Van Tatenhove (in his official and individual capacities),
James C. Duff (in his individual capacity);

Defendants.

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF
HIS EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION

F530E92A-E7D4-4753-A780-8DC88F6FB2A1 : 000060 of 000094

Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

MEM : 000001 of 000025

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INTRODUCTION

Defendants University of Kentucky, Capilouto, Thro, DiPaola, Duff, and Van Tatenhove (“Defendants”) have implemented an unconstitutional investigation, suspension, and ban from the University of Kentucky’s J. David Rosenberg College of Law (“law school”) of Plaintiff tenured law school Professor Ramsi Woodcock (“Plaintiff”) in retaliation for his protected call for immediate military action to stop Israel’s ongoing genocide of Palestinians. On August 24, 2026, the U.S. Court of Appeals for the Sixth Circuit reversed the decision of a federal district court to abstain from deciding Plaintiff’s constitutional objections to the investigation, suspension and ban and ordered that the case be remanded to the federal district court to decide Plaintiff’s motion for a preliminary injunction to return to teaching. *Woodcock v. Univ. of Ky., et al.*, No. 26-5057, slip op. at 5 (6th Cir. Aug. 24, 2026), Ex. 56.

However, after the Sixth Circuit issued its opinion, Defendants moved to take advantage of the time gap between the Sixth Circuit’s issuance of its opinion and the issuance of the mandate restoring jurisdiction over the case to the federal district court to evade constitutional review of the investigation and to prevent the federal district court from ordering Plaintiff’s return to teaching this semester. Because Defendants’ actions not only undermine the federal district court’s jurisdiction but also this Court’s jurisdiction to provide relief based on Plaintiff’s state law claims, Plaintiff urgently requests a temporary restraining order by Friday, **September 11, 2026**, (1) staying the investigation and (2) returning Plaintiff to teaching until the mandate issues and the federal district court has an opportunity to act. Plaintiff also requests a temporary injunction to ensure that the order remains in effect until the mandate issues.

Throughout the proceedings before the federal district court and the Sixth Circuit, Defendants had voluntarily stayed the deadline for Plaintiff to respond to forty-two written questions about Plaintiff’s speech that they had submitted to him. Compl. ¶ 69. Because the only adequate remedy for

an unconstitutional act is to stop the act before completion (money damages being insufficient to compensate for deprivation of a constitutional right after the fact), the voluntary stay ensured that any court adjudicating the constitutionality of the investigation, suspension, and ban would be able to enjoin the investigation if the court determines that the investigation violates constitutional rights.

However, after the Sixth Circuit issued its opinion, Defendants abruptly refused to further extend the voluntary stay and demanded that Plaintiff respond to the written questions by the end of the day on September 8, 2026, otherwise they would deem Plaintiff not to be participating in the investigation. Compl. ¶¶ 70–71. It appeared that, if Plaintiff chose not to respond to the questions—as is his right in relation to an unconstitutional investigation—and Defendants deemed Plaintiff not to be participating, Defendants would not provide him with the opportunity to review the evidence against him that they had previously promised to provide, allowing them to move immediately to conclude the investigation and file charges. Compl. ¶ 71. Accordingly, Plaintiff sent written responses to the questions under protest in the early morning hours of September 9, 2026. Plaintiff asked Defendants to embargo the answers until this Court rules on this motion of a temporary restraining order. Defendants have not responded.

Defendants are not only trying to leverage the mandate issuance gap to evade constitutional review of the investigation but also to prevent the federal district court from returning Plaintiff to teaching in the fall semester. Because the first few weeks of classes are non-substantive, and the law school sometimes substitutes teaching assignments within the first few weeks of classes, a court will realistically be able to order Plaintiff's return to teaching this semester no later than this Friday, September 11, 2026, which is the end of the third week of fall semester classes at the law school. Ex. 66 at ¶ 1. Acting pursuant to the Sixth Circuit's order expediting decisionmaking in the appeal, which Plaintiff had requested for purposes of returning to teaching this semester, the Sixth Circuit issued its opinion less than a month after oral argument on July 28, 2026. Motion to Expedite Appeal at 6,

Woodcock v. Univ. of Ky., No. 26-5057 (6th Cir. Feb. 24, 2026); Order at 1, *Woodcock v. Univ. of Ky.*, No. 26-5057 (6th Cir. Mar. 4, 2026). Plaintiff then motioned for immediate issuance of the mandate in order to give the federal district court up to three weeks to decide Plaintiff's preliminary injunction motion to return to teaching, which had already been fully briefed, and for which an evidentiary hearing had been conducted, before the appeal. Ex. 57. The Sixth Circuit responded by asking Defendants whether they wished to petition for rehearing. Ex. 58. Petitioning delays issuance of the mandate. Fed. R. App. P. 41(b) (providing that the mandate will issue seven days after resolution of a petition for rehearing). Rather than facilitate issuance of the mandate, Defendants filed a hopeless petition for rehearing on September 4, 2026, which the Sixth Circuit denied on September 10, 2026. Ex. 60; Order Denying Petition for Panel Rehearing, *Woodcock v. Univ. of Ky., et al.*, No. 26-5057 (6th Cir. Sept. 10, 2026). The Sixth Circuit also denied Plaintiff's motion for immediate issuance of the mandate without comment. Order Denying Motion for Immediate Issuance of the Mandate, *Woodcock v. Univ. of Ky., et al.*, No. 26-5057 (6th Cir. Sept. 10, 2026). As a result, the mandate will not issue until September 17, 2026, after the window of opportunity to return Plaintiff to teaching closes tomorrow. Fed. R. Civ. P. 41(b).

In order to prevent his state claims from becoming time barred, and wishing to preserve them in part in order to seek relief in state court in the event that the federal courts are unable to provide relief, Plaintiff filed this state action on July 20, 2026. Compl. ¶ 3.¹ If Defendants are able to conclude the investigation before the federal district court has had an opportunity to act, this Court's jurisdiction will be directly affected because this Court will not be able to provide an adequate remedy (*i.e.*, enjoining the investigation) in the event that Plaintiff does not prevail on his federal claims. An order

¹ Plaintiff mistakenly filed the case in Fayette Circuit Court (Case No. 26-CI-3325) and immediately motioned to transfer venue to this Court based on his breach of contract claim and the venue provision of Ky. Rev. Stat. § 45A.245(1). That transfer was ordered on Tuesday afternoon. *Id.* In light of the Friday deadline, Plaintiff has filed this original action in Franklin Circuit Court with intent to file a motion to consolidate this case with the transferred case once the transfer paperwork catches up.

staying the investigation keeps alive the possibility that the status quo will be preserved. Otherwise, the investigation will be over and there will be nothing for this Court to enjoin.

By the same token, if the federal district court is prevented from returning Plaintiff to teaching this semester, the federal district court later in the semester grants Defendants' motion to dismiss, and Plaintiff consequently moves to pursue his state claims in this Court this semester, this Court will be unable to return Plaintiff to teaching this semester because the window of opportunity will have passed. An order returning Plaintiff to teaching keeps alive the possibility that this Court will be able to enjoin Defendants to allow Plaintiff to continue teaching this semester if and when the case reaches this Court later in the semester. Otherwise, Plaintiff will not be teaching and there will be no way to restore him to the classroom until the spring semester, leading to additional weeks or months of irreparable constitutional, contractual, and professional harm.

Because Defendants are forging ahead with the investigation and may bring it to a conclusion at any time, and because Plaintiff's window of opportunity to return to teaching this semester realistically closes this Friday, Plaintiff **seeks an order staying the investigation, including any use of responses to written questions, and an order returning Plaintiff to teaching, no later than September 11, 2026.**

FACTUAL BACKGROUND

Plaintiff incorporates by reference all facts, legal arguments, exhibits, and declarations attached to his Verified Complaint. Exhibits incorporated from the Verified Complaint are designated as Exhibits 1 through 67.

A. Defendants' Retaliation for Plaintiff's Pro-Palestine Speech

Plaintiff is a tenured law professor at University of Kentucky's J. David Rosenberg College of Law (the "law school") who, on July 6, 2025, posted a petition to online discussion groups for law

professors hosted by the Association of American Law Schools (“AALS”) in which he advocated his research conclusion that the international community must go to war to end the colonization of Palestine and stop a genocide. Compl. ¶ 40; Ex. 43. On July 18, 2025, without notice or a hearing, Defendants Capilouto, DiPaola, Thro, Duff, and (by official capacity substitution) Van Tatenhove (“University Defendants”) announced a hostile environment investigation into Plaintiff’s speech under Title VI of the Civil Rights Act of 1964 (“Title VI”), canceled Plaintiff’s fall classes, reassigned him from teaching, research, and service to “100% professional development” (“the suspension”), banned him from the law school building (“the ban”) “for the duration of the investigation”, and announced to the University community that Plaintiff’s views were “repugnant” and that he wished to “destroy a people.” Compl. ¶¶ 42–44; 42 U.S.C. § 2000d.

There had been no student complaints, no faculty complaints, and no indication that Plaintiff had said anything objectionable on campus, much less in the classroom. Compl. ¶ 48; Ex. 30 at 176:3–6, 181:15–20. But there were complaints from what Defendant Duff, the law school’s dean at the time, called “outside interests.” Ex. 30 at 179:11–19. Plaintiff remains suspended from teaching and banned from the law building.

B. Plaintiff’s Federal Challenge to the Investigation, Suspension, and Ban, and Defendants’ Efforts to Evade a Ruling Returning Plaintiff to Teaching This Semester

On November 13, 2026, Plaintiff filed suit in U.S. District Court for the Eastern District of Kentucky. Compl. ¶ 64. He brought a number of federal claims, including a challenge to the investigation, suspension, and ban as unconstitutional retaliation for protected speech in violation of the First Amendment to the U.S. Constitution. Ex. 49 at 43. On January 8, 2026, the U.S. District Court for the Eastern District of Kentucky abstained under the doctrine of *Younger v. Harris*. *Woodcock v. University of Kentucky*, 820 F. Supp. 3d 555, 582 (E.D. Ky. 2026). On January 22, 2026, Plaintiff filed an appeal to the U.S. Court of Appeals for the Sixth Circuit (“Sixth Circuit”).

In the Sixth Circuit, Plaintiff requested “a ruling on his appeal in time to be added to the course schedule for the fall semester of 2026.” Motion to Expedite Appeal at 6, *Woodcock v. Univ. of Ky.*, No. 26-5057 (6th Cir. Feb. 24, 2026). The Court ordered an expedited briefing and submission schedule. Order at 1, *Woodcock v. Univ. of Ky.*, No. 26-5057 (6th Cir. Mar. 4, 2026). Plaintiff further notified the Sixth Circuit at oral argument on July 28, 2026, that Plaintiff sought an order returning him to teaching in the fall 2026 semester. On August 24, 2026, which was the first day of fall semester classes, the Sixth Circuit issued an opinion reversing the District Court’s abstention order and “remand[ing] for consideration of Woodcock’s motion for a preliminary injunction and further proceedings consistent with this opinion.” *Woodcock v. Univ. of Ky., et al.*, No. 26-5057, slip op. at 5 (6th Cir. Aug. 24, 2026), Ex. 56.

As of the date of issuance of the Sixth Circuit opinion, Plaintiff had a rapidly closing two-to-three-week window to obtain an order from the District Court returning him to teaching during the fall semester. Compl. ¶ 66. That was because classes during the first week or two of the semester are usually non-substantive or introductory in nature and the law school occasionally substitutes teaching assignments during or immediately after this period. *Id.* Thus, a ruling on the preliminary injunction on or before September 11, 2026, would allow Plaintiff to return to teaching in the fall semester.

However, the U.S. District Court was unable to act on Plaintiff’s motion for a preliminary injunction because the mandate returning the case to the U.S. District Court had not yet issued. The mandate returning the case to the U.S. District Court would not issue until seven days after the deadline for Defendants to petition the Sixth Circuit for rehearing of the case “or 7 days after entry of an order denying a timely petition for” rehearing, “whichever is later”. Fed. R. App. P. 41(b). Because the United States Secretary of Education was a party to the federal case, the deadline to petition for rehearing was forty-five days after issuance of the opinion, so the mandate might not

issue for at least seven weeks (forty-five-plus-seven days) and possibly longer if Defendants were to petition for rehearing. Fed. R. App. P. 40(d)(1)(C) (providing that when a “United States officer” “sued in an official capacity” is “one of the parties” to a case, the time to file a petition for rehearing is “45 days after entry of judgment”). Such delay would prevent the U.S. District Court from ruling on Plaintiff’s motion for a preliminary injunction before September 11, 2026, as needed to return Plaintiff to teaching in the fall semester. In that case, the U.S. District Court would not be able to return him to teaching until the start of spring semester classes in early January 2027—a delay of eighteen weeks.

Accordingly, on August 26, 2026, Plaintiff filed a motion in the Sixth Circuit requesting immediate issuance of the mandate. Ex. 57 at 1. The Sixth Circuit ordered Defendants to file a response by September 2, 2026, indicating “whether they intend to seek, or are considering seeking, rehearing.” Ex. 58 at 1. Defendants responded that they would file a petition for panel rehearing by September 4, 2026, and they did so on that day. Exs. 59–60. On September 10, 2026, the Sixth Circuit denied Defendants’ petition for panel rehearing. Order Denying Petition for Panel Rehearing, *Woodcock v. Univ. of Ky., et al.*, No. 26-5057 (6th Cir. Sept. 10, 2026). The Sixth Circuit also denied Plaintiff’s motion for immediate issuance of the mandate without comment. Order Denying Motion for Immediate Issuance of the Mandate, *Woodcock v. Univ. of Ky., et al.*, No. 26-5057 (6th Cir. Sept. 10, 2026). Accordingly, the mandate will not issue until September 17, 2026. Fed. R. Civ. P. 41(b).

C. The Voluntary Stay of the Investigation and Defendants’ Refusal to Extend It

On December 1, 2025, two weeks after Plaintiff filed his federal suit challenging the constitutionality of the investigation, Thompson sent Woodcock forty-two questions about his speech and asked that he respond by December 15, 2025. Ex. 48 at 1. The questions were broad and intrusive. For example, one asked Professor Woodcock to “[d]escribe in detail or provide any emails

from you regarding the Israeli-Palestinian conflict on listserves [sic] that the University of Kentucky or the [AALS] host” and “[e]xplain the relevance your emails have, if any, to the subject or purpose of each listserve [sic].” Ex. 48 at §§ 19–20. On December 3, 2025, Plaintiff asked Thompson to “extend the deadline for Professor Woodcock’s response to these questions until after the Court’s ruling on” the preliminary injunction “motion” that Plaintiff would file on December 12, 2025. Ex. 61 at 6. Thompson responded that “Professor Woodcock may take more time to respond to the written questions.” Ex. 61 at 5. After the U.S. District Court abstained from consideration of the preliminary injunction motion, Thompson followed up to request that Plaintiff respond to the questions by January 23, 2026. Ex. 61 at 3–4. She stated that “[i]f Profssor Woodcock no longer intends to participate in this investigation, please kindly let me know as soon as possible.” Ex. 61 at 3. Thompson eventually agreed to extend the deadline until “two weeks (14 calendar days) after the U.S. Court of Appeals for the Sixth Circuit rules on the merits of [Plaintiff’s] appeal of the federal district court’s decision.” Ex. 62 at 6.

On August 25, 2026, after the Sixth Circuit issued its opinion remanding the case “for consideration of Woodcock’s motion for a preliminary injunction”, Thompson wrote to Plaintiff requesting answers to her written questions by Tuesday, September 8, 2026. Ex. 62 at 5; *Woodcock v. Univ. of Ky., et al.*, No. 26-5057, slip op. at 5 (6th Cir. Aug. 24, 2026), Ex. 56. This time, instead of asking whether Plaintiff wished to continue participating in the investigation, Thompson stated: “If I do not receive a response to the written questions on or before September 8, 2026, I will conclude that Professor Woodcock does not wish to participate in this investigation.” Ex. 62 at 5. On September 1, 2026, Plaintiff requested an extension until “two weeks after the decision of the District Court on his injunction motion or the decision on any appeal thereof, whichever is later.” Ex. 62 at 4. Plaintiff noted that “the Court of Appeals did not address the substantive merits of the injunction motion” and observed that “[w]hether it is legal to ask Prof. Woodcock to respond to

those questions is one of the questions at issue in this motion.” Ex. 62 at 4. That day, Thompson denied the request and stated that if Plaintiff does not respond by Tuesday, September 8, 2026, “I will have no choice but to conclude that Professor Woodcock does not wish to participate in this investigation.” Ex. 62 at 3. Plaintiff asked Thompson to reconsider. Ex. 62 at 2–3. He pointed out that the Sixth Circuit had remanded the case to the U.S. District Court to rule on Plaintiff’s preliminary injunction motion and that in December 2025 Thompson had agreed to postpone the response deadline until the district court had rules on that motion. Ex. 62 at 2–3. He questioned Defendants’ “about-face”. Ex. 62 at 2. He also pointed out that “[r]ushing to the next stage of the investigation before the District Court has had time to rule on the preliminary injunction motion undermines the jurisdiction of the District Court to decide the constitutionality of the investigation before it comes to a conclusion.” Ex. 62 at 3. Thompson again rejected Plaintiff’s request and reiterated that she would deem a failure to respond to mean “that Professor Woodcock does not wish to participate in this investigation.” Ex. 62 at 1. Plaintiff notified the Sixth Circuit that Defendants were now racing to conclude the investigation and potentially file disciplinary charges against Plaintiff before the district court can rule on the investigation’s constitutionality. Ex. 63.

On September 8, 2026, Plaintiff requested an extension in order to permit this Court to decide Plaintiff’s motion for a temporary restraining order. Compl. ¶ 3. Thompson did not respond to that request. *Id.* With the deadline to respond looming, and fearing that Thompson would use a failure to respond to the questions as a basis for cutting the investigation short and denying Plaintiff his right to review the evidence against him, Plaintiff sent his responses to the questions to Thompson early in the morning on September 9, 2026. *Id.* Plaintiff requested that Thompson embargo the answers until this Court has ruled on Plaintiff’s motion for a temporary restraining order. Thompson did not respond. *Id.*

ARGUMENT

Woodcock is entitled to a temporary restraining order if it “clearly appears” that his “rights are being or will be violated” and he “will suffer immediate and irreparable injury[.]” Ky. R. Civ. P. 65.03. Courts award temporary relief if the plaintiff shows that (1) “a substantial question exists on the merits”, (2) “he will suffer immediate and irreparable injury”, and (3) “the equities”, such as “possible detriment to the public interest”, “harm to the defendant”, and “whether the injunction will merely preserve the status quo” “weigh[]” in “favor” of “issuance of the temporary injunction”. *Beshear v. Goodwood Brewing Company, LLC*, 635 S.W. 3d 788, 795 (Ky. 2021).

Woodcock meets these standards on his speech retaliation claims under Sections 1(4), 2, and 8 of the Kentucky Constitution, his Campus Free Speech Protection Act claim, his breach of contract claim, and his procedural due process and arbitrary powers claims under Section 2 of the Kentucky Constitution.

A. Woodcock Has a Substantial Likelihood of Success on the Merits

Although he need not show “a substantial probability of success”, only that a “substantial question” exists or that “his rights are being” “violated”, Woodcock in fact has a substantial probability of success on his three claims. *Maupin v. Stansbury*, 575 SW 2d 695, 699 (Ky. App. 1978).

1. Retaliation for Protected Speech

“[T]he minimum guarantee of individual rights under the United States Constitution as interpreted by the United States Supreme Court” represents a “federal *floor*” on “state constitutional protection[.]” *Com. v. Wasson*, 842 S.W. 2d 487, 492 (Ky. 1992). Accordingly, Sections 1(4), 2, and 8 of the Kentucky Constitution, which protect the freedom of speech, also protect the right of freedom of speech recognized by the U.S. Supreme Court under the U.S. Constitution.

There is First Amendment retaliation if there is causation, adverse action, and protection for plaintiff's speech. *Thaddens-X v. Blatter*, 175 F. 3d 378, 394 (6th Cir. 1997) (en banc). Here, Plaintiff's

posting of the petition triggered the investigation, the investigation is an adverse action, and the petition is protected speech. The investigation is an adverse action because it constitutes a threat of termination. *Kubala v. Smith*, 984 F. 3d 1132, 1139–40 (6th Cir. 2021) (holding that threats of termination constitute adverse action). The only sanction named by the investigator is termination. Ex. 26 at 3. This Court has held that threats, such as the threats of termination that Defendants built into their investigation, suspension, and ban, can be adverse actions. *Kubala v. Smith*, 984 F. 3d 1132, 1139–40 (6th Cir. 2021). There is causation because the University initiated the investigation on July 18, 2026, less than two weeks after Plaintiff posted the petition on July 6, 2026. Compl. ¶¶ 1, 46; *Lemaster v. Lawrence County, Kentucky*, 65 F. 4th 302, 310 (6th Cir. 2023) (action within “days or weeks” sufficient to show causation). And Defendant Capilouto referred exclusively to the petition in announcing the investigation. Ex. 21.

Plaintiff’s speech is protected if it is (1) on a matter of public concern, (2) either scholarly speech or private citizen speech, and (3) Plaintiff’s interest in speaking outweighs the University’s interest in efficient operations. *Meriwether v. Hartop*, 992 F.3d 492 504–08 (6th Cir. 2021); *Noble v. Cincinnati & Hamilton Cty. Pub. Library*, 112 F. 4th 373, 380–81 (6th Cir. 2024). Speech about Palestine and genocide is clearly a matter of public concern. Plaintiff’s petition was either scholarly or private citizen speech. It reported his research conclusions and was directed toward organizing scholars for policy advocacy. Ex. 30 at 52:6–19. And there was no harm to University operations. Defendants acted in the absence of any complaints against Plaintiff from any member of the University community. Compl. ¶ 48; Ex. 30 at 176:3–6, 181:15–20. Because Title VI only covers those who access University resources, there was no basis to suspect that Plaintiff had created a hostile environment. *Snyder-Hill v. Ohio State University*, 48 F. 4th 686, 708 (6th Cir. 2022). There was only “undifferentiated fear” of controversial speech, which is categorically excluded from analysis as a

source of inefficiency. *Hardy v. Jefferson Community College*, 260 F.3d 671, 682 (6th Cir. 2001).

Accordingly, the investigation represents unconstitutional retaliation for protected speech.

The suspension and ban are also retaliation for protected speech. The causation and speech protection analyses are the same as for the investigation because the suspension and ban were announced and implemented at the same time as the investigation. Compl. ¶ 44. The suspension and ban, like the investigation, are also adverse actions because they, too, convey a threat of termination. And a set of actions may be adverse when considered in gross. *Bart v. Telford*, 677 F.2d 622, 625 (7th Cir. 1982).

2. Violation of Due Process and Arbitrary Power under Section 1, 2, and 14 of the Kentucky Constitution

Sections 1, 2 and 14 of the Kentucky Constitution both prohibit violations of procedural due process in a manner similar to the procedural due process protections under the U.S. Constitution and provide a unique prohibition on exercises of arbitrary state power. The suspension and ban violate both. Each kind of violation will be considered in turn.

a) Procedural Due Process

Plaintiff has a property interest in the terms and conditions of his employment. *Gunasekera v. Irvin*, 551 F.3d 461, 468 (6th Cir. 2009); *Fed. Deposit Ins. Corp. v. Mallen*, 486 U.S. 230, 240–42 (1988). In *Hulen v. Yates*, the court held that reassignment of a professor to a different department implicated a property interest because the value of a tenured position extends beyond pay to include the “terms and conditions” of the appointment and the “unanimous custom and practice of the university.” 322 F.3d 1229, 1241–44 (10th Cir. 2003). *A fortiori*, the University’s reassignment of Plaintiff to “professional development” when University rules characterize teaching, research, and service as the essential elements of his tenured faculty position implicates a property interest. Compl. ¶ 44; Ex. 10 at § 13.A. Defendants suspended and banned Plaintiff without notice or a pre-

deprivation hearing. Compl. ¶ 44. Pre-deprivation process can only be circumvented in extraordinary situations” where there is a “special need for very prompt action.” *United States v. James Daniel Good Real Prop.*, 510 U.S. 43, 53 (1993); *Thomas v. Cohen*, 304 F.3d 563, 576 (6th Cir. 2002). This rule is not limited to terminations. In *Gunasekera v. Irwin*, for example, the court held that a hearing was required before deprivation of advising privileges. 551 F.3d at 469.

Defendants did not have a need for very prompt action against Plaintiff. When they acted on July 18, 2025, they had received no complaints about Plaintiff from any member of the University community. They acted in summer when Plaintiff was not teaching and based on off-campus statements. Compl. ¶¶ 48–49. Defendants themselves do not appear to have really thought that Plaintiff was a threat. They labeled the suspension a “reassignment” presumably because they knew that they could not show the threat of physical harm needed to obtain a formal interim suspension, and they banned Plaintiff from the law building but not the surrounding campus in which vulnerable undergraduates predominate. Compl. ¶ 23.

3. Arbitrary Power

Section 2 of the Kentucky Constitution prohibits the exercise of “arbitrary power” by a state agency. “As a general rule, the yardstick of fairness is sufficiently broad to measure the validity of administrative action.” *American Beauty Homes Corp. v. Louisville*, 379 S.W. 2d 450, 457 (Ky. 1964). “The question of reasonableness is one of degree and must be based on the facts of a particular case.” *Kentucky Milk Marketing v. Kroger Co.*, 691 S.W. 2d 893, 900 (Ky. 1985). Examples of exercises of arbitrary power include (1) “failure of an administrative agency to follow its own rule or regulation[,]” (2) action lacking “substantial evidentiary support[,]” and (3) “action in excess of granted power[.]” *American Beauty*, 379 S.W. 2d at 456 (excess of granted authority or lack of evidentiary support); *Com., Transportation Cabinet v. Weinberg*, 150 S.W. 3d 75, 77 (Ky. Ct. App. 2004) (failure to follow rules).

Here, the dean acted in excess of granted authority and in violation of multiple University rules in implementing the suspension and ban. A dean is bound to follow the University's regulations. As an employee of the University, a dean is bound by the University's Employee Code, which provides that "employees must comply with applicable . . . [University] Administrative Regulations[.]" Ex. 12 at §§ I, I.D. The code also directs an employee to "be responsible for [his] own actions and . . . recognize [his] obligation to ensure a University-wide culture of compliance." Ex. 12 at § I.D.

Dean Duff's reassignment of Plaintiff's workload to 0% teaching, research, and service functionally suspended Plaintiff from his job. Yet no University regulation authorizes a dean to suspend a professor. The version the University's Regulations Affecting Employment (formerly Governing Regulation X) in force on July 18, 2025 authorized the *President* to impose a suspension after consultation with the Faculty Senate Advisory Committee on Privilege and Tenure "if immediate harm to the faculty member or others is threatened[.]" Ex. 6 at § B.1.f.(3). Current regulations and policies authorize the *provost* to impose a suspension based on a finding of "a threat to the safety and well-being of others[.]" Ex. 7 at § I.D.1. Current regulations and policies also authorize the *Executive Director of the Office of Equal Opportunity* to impose a suspension based on a written "individualized safety and risks analysis" that concludes that an employee "present[s] a threat to the physical health or safety of an individual or the University Community." Ex. 9 at § VI. None of these regulations authorizes a *dean* to suspend a member of the faculty "to protect both [the professor] and the University," as Dean Duff purported to do. Ex. 23 at 1.

According to the University's Administrative Regulation governing University organization, the dean "shall seek the advice of the faculty of the college" "in connection with" "the assignment of duties to all personnel". Ex. 11 at § F.2.c. Accordingly, Dean Duff was required to consult with the faculty prior to reassigning Plaintiff to 0% teaching, research, and service. Dean Duff did not seek the counsel of the law faculty in imposing the reassignment, which is a clear violation of the rule.

The University's workload regulation further governs assignments. According to that regulation, a dean may alter workloads to the end of "maximizing the application of faculty expertise" or by "consider[ing]" "1. Difficulty, scope, size, and level of courses taught[; and] 2. Research responsibilities and/or service expectations." Ex. 5 at § III.C. Nothing in the policy authorizes a dean to alter a faculty workload "to protect both you and the University" during an investigation, as Dean Duff claimed to do when he assigned Plaintiff to 0% teaching, research, and service. Ex. 23 at 1. The workload regulation further directs that a dean "assure that full-time regular-title series faculty employees have comparable total effort" and decrees that "individual distributions of teaching, research, and service may vary but should not result in reduced effort for some individuals within an educational unit." Ex. 5 at § III.A. Reassigning Plaintiff to 0% teaching, research, and service, which is a workload to which no other full-time regular-title series faculty member at the law school is assigned, violates the requirement that "full-time regular-title series faculty employees have comparable total effort." *Id.*

The University's Employee Code also mandates "compl[iance] with . . . accreditation requirements." Ex. 12 at § I.D. Dean Duff's failure to consult with faculty prior to reassigning and banning Plaintiff placed the University in breach of accreditation requirements. The University's accreditor, SACSCOC, requires that the University "publish[] and implement[] policies on the authority of faculty in academic and governance matters[.]" Ex. 13 at § 10.4. The right of the faculty to be consulted by the dean in relation to the "assignment of duties to all personnel," which is provided in the University's organization regulation, is a "polic[y] on the authority of faculty in academic and governance matters[.]" Ex. 11 at § F.2.c; Ex. 13 at § 10.4. Accordingly, SACSCOC requires that the University "implement[]" that policy. Dean Duff's failure to implement that policy (by failing to consult with the faculty prior to reassigning and banning Plaintiff) places the University in violation of a SACSCOC accreditation requirement.

Because Defendants violated multiple University rules, acted without substantial evidence, and acted outside the scope of their authority, they violated the Kentucky Constitution's prohibition on the exercise of arbitrary state power.

4. Breach of Contract

"The elements of a breach of contract claim are" (1) "existence of a contract;" (2) "breach of that contract; and" (3) "damages flowing from the breach of contract." *Metro Louisville/Jefferson County Govt. v. Abma*, 326 S.W. 3d 1, 8 (Ky. Ct. App. 2009). Plaintiff's employment contract includes all of the University rules that were identified as having been breached by the suspension and ban in the previous section. According, in violating those University rules, Defendants also breached Plaintiff's contract.

a) Existence

The offer letter that both Woodcock and the law school's dean signed when Woodcock joined the faculty in 2018 incorporates the University's "rules and regulations" by reference. Ex. 1 at 1 (stating that Woodcock's "responsibilities" are "as outlined in the . . . University of Kentucky rules and regulations"). The document "clear[ly] refer[s]" to the regulations and signals that they "control, decide, or affect" the contract because the document describes Woodcock's position using terms that are only defined in University regulations (e.g., it appoints him "Assistant Professor" in "our Regular Title Series") and states that his "responsibilities" are "as outlined in the . . . University of Kentucky rules and regulations." Ex. 1 at 1; Ex. 42 at § V.A. (defining Assistant Professor); Ex. 41 at § III.B.1(a) (defining Regular Title Series); *University of Kentucky v. Regard*, 670 S.W. 3d 903, 913 (Ky. 2023); *Britt v. University of Louisville*, 628 S.W. 3d 1, 8 (Ky. 2021). And the Code shares "mutuality of subject matter" with the offer letter because it governs the behavior of employees. *Regard*, 670 S.W. 3d at 914.

Second, the University's governing and administrative regulations also create a contract with Woodcock under *Parts Depot, Inc. v. Beiswenger*, because they constitute an "express personnel policy", Woodcock "continues to work while the policy remains in effect" and "the language used in the personnel policy is not precatory [and] there is no disclaimer". 170 S.W. 3d 354, 363–64 (Ky. 2005). The language of the Code and governing regulations is mandatory ("must", "obligation", "ensure", "comply") and punishes violations with termination. Ex. 2 § E; 12 at § D. And there is no disclaimer. Instead, the University's Faculty Handbook refers to "the contract between the faculty member and the institution" and states that "[s]pecific questions regarding the rights and duties of University employees - including faculty employees - can only be resolved by reference to the appropriate official documents", which it describes as including "the Governing Regulations, and the Administrative Regulations (GR and AR)[.]" Ex. 67 at 1.

In *Furtula v. University of Kentucky*, three Justices of the Kentucky Supreme Court construed a Kentucky Court of Appeals opinion as "implicit[ly]" "holding" that a contract recognized under the doctrine of *Parts Depot* is an implied contract and "an implied contract is not a written contract." 438 S.W.3d 303, 307–08 (Ky. 2014) (Venters, J., joined by Cunningham and Keller, JJ.) (construing *University of Kentucky v. Furtula*, No. 2009-CA-000811-MR (Ky. Ct. App. Oct. 8, 2010)). However, the Kentucky Court of Appeals had decided the case on two alternative grounds, the other being that the personnel policy included a disclaimer, and a majority of the Justices of the Kentucky Supreme Court affirmed only on the disclaimer ground rather than on the ground that the personnel policy did not constitute a written contract. *Furtula*, 438 S.W.3d at 310 (stating that Noble, J., and Scott, J., dissented, Minton, J., "agrees with Justice N[oble]'s dissent to the extent that employee handbooks and other documents can be a written unilateral contract sufficient to meet the requirements of KRS 45A.245", and Abramson, J., was not sitting). In her dissent regarding the written contract question, Justice Noble, joined by half of the sitting Justices, rejected the notion that contracts recognized

under *Parts Depot* are not written contracts. Justice Noble wrote that: “*Parts Depot* relied on a substantial writing issued by one party to another describing rights and obligations”, that “*Parts Depot* simply does not discuss the importance of a writing because that fact was not dispositive in that case”, that it was “highly unusual to find an implied contract in such circumstances”, and that the best way to understand “[e]mployee-handbook cases” under *Parts Depot* is that “[t]here is a writing, an offer, and acceptance by performance” creating a written unilateral contract. *Id.* at 313. Because the Kentucky Court of Appeal’s holding in *Furtula* was an alternative holding that was not affirmed questioned by a majority of the sitting Justices of the Kentucky Supreme Court, this Court is free to conclude that the University’s *written* regulations make a written contract under the *Parts Depot* doctrine for purposes of the legislature’s waiver of immunity for written contract claims. *Cf. Pogue v. Principal Life Ins. Co.*, 979 F.3d 534, 536 (6th Cir. 2020) (stating that “the Restatement view” is “that once an appellate court has affirmed on one ground and passed over another, preclusion does not attach to the ground omitted from its decision”).

Third, Woodcock is tenured, and “tenure leaves” “no doubt that the Faculty Manual is a contract”. *Crenshaw v. Erskine College*, 850 S.E. 2d 1, 20 (S.C. 2020). As noted above, the University’s Faculty Handbook specifically refers faculty interested in learning about their “rights and duties” and their “contract” with “the institution” to the “the Governing Regulations, and the Administrative Regulations (GR and AR)[.]” Ex. 67 at 1. And those regulations are in writing. Accordingly, the University’s rules and regulations are part of Plaintiff’s contract.

b) Breach

For the reasons set forth in the section on violation of the arbitrary power protections of Section 2 of the Kentucky Constitution, the suspension and ban breached Plaintiff’s contract.

c) Damages

The breach is causing material changes to the conditions and privileges of Plaintiff's employment, and, consequently, ongoing, direct economic loss to Plaintiff. Compl. ¶¶ 58–59. Plaintiff cannot practice his profession, of which classroom teaching is an essential element. *Id.* This prevents him from maintaining and developing a teaching record sufficient to obtain lateral employment at a more prestigious school along with the increased by pay associated with that. It harms Plaintiff's professional relationships and reputation. *Id.* Plaintiff also took a pay cut, relative to what he could earn in industry, in order to teach. Compl. ¶ 60. That pay cut measures the value of the services provided to him by the University that he could not obtain in industry. *Id.* This includes the value of a research environment free of retaliation for scholarship or policy advocacy and the value of access to students and teaching, among other things. *Id.* The investigation, suspension, and ban deprive Plaintiff of these bargained for services. *Id.*

B. Failure to Preserve the Status Quo Immediately and Irreparably Harms Plaintiff

Harm is irreparable where “the remedy at law is” not “sufficient to furnish the injured party full relief to which he is entitled in the circumstances.” *Cyprus Mountain Coal Corp. v. Brewer*, 828 S.W. 2d 642, 645 (Ky. 1992). The harm is immediate if there is “a reasonable probability that injury will be done if no injunction is granted.” *Maupin*, 575 S.W. 2d at 698.

With respect to the investigation, Defendants are racing ahead with an unconstitutional investigation and may conclude it at any time. If they conclude the investigation, Plaintiff will be deprived of access to the only adequate remedy for constitutional harm, which is to stop the offending conduct before it can be completed. That is because money damages for past harm cannot fully compensate for a deprivation of constitutional rights. Moreover, Defendants used the threat of deeming Plaintiff to not intend to participate in the investigation to force Plaintiff to supply

answers to written questions. Defendants will use those answers in violation of Plaintiff's constitutional rights if this Court does not order them to stop immediately.

With respect to Plaintiff's return to teaching, because "[c]lasses during the first week or two of the semester are usually non-substantive or introductory in nature" and the law school "occasionally" "substitutes teaching assignments during or immediately after this period", no court can realistically order Plaintiff's return to teaching after this Friday, September 11, 2026. If Plaintiff does not obtain an order returning him to teaching by this Friday, Plaintiff's next opportunity to return to teaching would be in early January 2027—a delay of eighteen weeks. Every single day that Plaintiff remains barred from teaching causes Plaintiff severe, ongoing, and irreparable speech and contractual professional harm. *See* Ex. 31 ¶¶ 2, 7, 8, 13; Ex. 65 ¶¶ 7–9; *Elrod v. Burns*, 427 U.S. 347, 373 (1976) ("The loss of" speech "freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."). Plaintiff is physically prevented from addressing students in the classroom context, developing mentoring relationships with them, honing his talents as a teacher, or developing fresh teaching evaluations to serve as a basis for a lateral transfer to a more prestigious school. Because Woodcock has already been barred from teaching for a full year, and the law school offers his upper-level courses on Antitrust and Secured Transactions only in the fall semester, approximately one hundred and thirty students in this year's graduating class will *never* have an opportunity to take Antitrust or Secured Transactions with Plaintiff if Plaintiff does not return to teaching this semester. And Plaintiff will never have an opportunity to impart to them his ideas in Antitrust, which is a focus of his research. Ex. 30 at 8:1–2.

C. The Equities Favor Grant of Temporary Relief

Grant of temporary relief is in the public interest. "[I]t is always in the public interest to prevent violation of a party's constitutional rights." *Bays v. City of Fairborn*, 668 F. 3d 814, 825 (6th Cir. 2012) (cleaned up). And, with respect to Woodcock's contract claim, the public has an interest in ensuring

that Woodcock benefits according to “the terms of the bargain [he] entered into.” *Certified Restoration Dry Cleaning Network, LLC v. Tenke Corp.*, 511 F.3d 535, 551 (6th Cir. 2007). Harm to the law school of pausing the investigation and returning Plaintiff to teaching will be nil because there were no complaints from any student or faculty member about Plaintiff prior to Defendants’ actions and there are no allegations that Plaintiff said anything objectionable in the classroom. Compl. ¶ 48; Ex. 30 at 176:3–6, 181:15–20. And Defendants “cannot place” the law school “in harm[']s way” by delaying issuance of the mandate and then “later claim that an injunction should not issue because of costs” due to their “own misconduct.” *Midwest Guaranty Bank v. Guaranty Bank*, 270 F. Supp. 2d 900, 924 (E.D. Mich. 2003).

CONCLUSION

WHEREFORE, Woodcock requests a temporary restraining order and temporary injunction.

Respectfully Submitted,

/s/ Joe Childers

/s/ Rima N. Kapitan (to be admitted *pro hac vice*)

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sts@slawky.com**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2026, a true and accurate copy of the foregoing document was filed electronically with the Clerk of the Court using the Kentucky Court of Justice eFiling system, which will automatically send a copy of the foregoing to all counsel of record, and has been electronically served on Bryan Beaman, counsel for Defendants.

/s/ Joe Childers

Counsel for Plaintiff

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Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

MEM : 000025 of 000025

**COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION**

CASE NO. _____

Ramsi A. Woodcock,

Plaintiff,

Case No. [_____]

v.

University of Kentucky,
Eli Capilouto (in his official and individual capacities),
Robert DiPaola (in his official and individual capacities),
William Thro (in his official and individual capacities),
Gregory Van Tatenhove (in his official and individual capacities),
James C. Duff (in his individual capacity);

Defendants.

RESTRAINING ORDER

This matter comes before the Court upon the Emergency Motion of Plaintiff Ramsi A. Woodcock for an emergency Restraining Order pursuant to Kentucky Rule of Civil Procedure (CR 65.03). Plaintiff is represented by counsel, Joe F. Childers.

Having reviewed the Verified Complaint, the Motion, and the supporting Memorandum of Law, and being otherwise sufficiently advised, the Court finds that Plaintiff will suffer immediate and irreparable injury, loss, or damage before notice can be served and a full hearing had on Plaintiff's parallel Motion for a Temporary Injunction.

Specifically, the Court finds that if the investigation is not paused, Plaintiff will not have access to an adequate remedy for a deprivation of constitutional rights. Furthermore, if Plaintiff is not immediately returned to teaching duties, the Fall 2026 academic semester will progress too far to

permit a meaningful temporary remedy, inflicting irreversible harm upon Plaintiff's constitutional rights, professional career, reputation, and teaching continuity that cannot be compensated by an award of money.

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. Plaintiff's Emergency Motion for a Restraining Order is GRANTED.
2. Defendants University of Kentucky, Capilouto, Thro, DiPaola, Duff, and Van Tatenhove, along with their officers, agents, servants, employees, and attorneys, are hereby RESTRAINED AND ENJOINED from continuing, advancing, finalizing, or taking any further action regarding the active investigation involving Plaintiff.
3. Defendants are further MANDATED AND ORDERED to immediately lift Plaintiff's suspension and ban from the law school and reinstate Plaintiff to full classroom teaching duties for the Fall 2026 academic semester.
4. Pursuant to CR 65.03(5), this Restraining Order becomes effective and binding on Defendants immediately upon service or when they are otherwise informed of this Order, whichever is earlier.
5. Pursuant to CR 65.03(5), because Plaintiff's Motion for a Temporary Injunction is currently pending before this Court, this Restraining Order shall remain in full force and effect until the entry of an order on Plaintiff's Motion for a Temporary Injunction, or until further order of this Court.
6. Pursuant to CR 65.05, this Restraining Order is conditioned upon Plaintiff posting a bond with the Clerk of this Court in the amount of \$_____, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

7. Plaintiff's Motion for a Temporary Injunction is hereby scheduled for a formal evidentiary hearing before this Court on the _____ day of September, 2026, at the hour of _____ p.m., in the Franklin Circuit Courtroom, Frankfort, Kentucky.

JUDGE, FRANKLIN CIRCUIT COURT

Date: _____

Time: ____ : ____ .m.

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Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

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