IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION

Ramsi A. Woodcock,

Plaintiff,

v.

Eli Capilouto (in his official and individual capacities),

Robert S. DiPaola (in his official and individual capacities),

William E. Thro (in his official and individual capacities),

James C. Duff (in his individual capacity),

Gregory F. Van Tatenhove (in his official and individual capacities),

Linda McMahon (in her official capacity as United States Secretary of Education), and

Russell Coleman (in his official capacity as Attorney General of the Commonwealth of Kentucky),

Defendants.

Civil Action No. 5:25-cv-00424-BJB

Judge Benjamin Beaton

SECOND AMENDED AND SUPPLEMENTAL VERIFIED COMPLAINT

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Plaintiff Ramsi A. Woodcock ("Woodcock"), by counsel, for his Second Amended and Supplemental Verified Complaint against Eli Capilouto, Robert S. DiPaola, William E. Thro, James C. Duff, Gregory F. Van Tatenhove, Linda McMahon, and Russell Coleman, states as follows:

INTRODUCTION

1. Ramsi A. Woodcock, a tenured Professor of Law at the University of Kentucky ("the University"), sues to stop University officials from punishing him for his speech about Israel and Palestine. On July 18, 2025, seventeen days after the University promoted him to full Professor and twelve days after he posted to online discussion groups of law professors a petition calling for military action to stop Israel's genocide of Palestinians and the colonization of Palestine, Woodcock was removed from all teaching, research, and service, banned from the law building, and placed under investigation—without notice, without a hearing, and without a complaint from any student or colleague. The University's President, Eli Capilouto, announced the action the same day, describing the petition as one "calling for the destruction of a people based on national origin" that "can be interpreted as antisemitic in accordance with state and federal guidance." DN 19-3 at PageID 496. The petition calls for no one's destruction. Fifteen months later the suspension continues. In the investigation's final stage, Capilouto holds the decision whether to bring charges that could end Woodcock's employment. Woodcock asks the Court to end the suspension and the investigation, to bar discipline based on his protected speech, to restore the named professorship taken from him because of that speech, to declare unconstitutional the state and federal measures that direct the officials to treat his speech as antisemitic, and to award damages against the officials who acted against him.

2. University officials had known Woodcock's views for more than a year. Woodcock had presented them at a faculty research seminar in the law building, on the law faculty listserv, at a faculty meeting, and on his personal website, without any response. James C. Duff, then Interim

Dean of the law school, testified that the complaints came from professors who had attended Woodcock's conference talks and from "outside interests[,]" and agreed that the decision to investigate was taken at "the highest level of the university." DN 40 at 179:11–19, 181:15–23, 188:11–18 (PageID 1980, 1982, 1989).

3. The suspension broke the University's own rules. Each of Woodcock's objections brought a further step against him. When Woodcock was suspended, University rules allowed suspension, or assignment to other duties in lieu of suspension, "only if immediate harm to the faculty member or others is threatened by the faculty member's continuance," and only after the President consulted a faculty committee. No one found such a threat. No one consulted the committee. After Woodcock's counsel invoked the rule, the rule was deleted. Seventeen days after Woodcock reported, through the University's own channels, that he was being discriminated against as an Arab and a Muslim, the allegations against him were expanded. After Woodcock filed this action, he was stripped of his named professorship, which the officials have told this Court was taken to accommodate the endowing law firm's wish not to be associated with him "because of Woodcock's antisemitic views." DN 63 at 3 n.10 (PageID 2198). Gregory Van Tatenhove, the law school's Dean, lifted the building ban on September 28, 2026, after fourteen months, but has kept the suspension in place "until the investigation is complete." DN 65-8 at 2 (PageID 2405).

4. These acts violate the Free Speech and Petition Clauses of the First Amendment, the Due Process and Equal Protection Clauses of the Fourteenth Amendment, the Establishment Clause, and 42 U.S.C. § 1981. University faculty and officials support wars against states without investigation or suspension, but Woodcock, an Arab and a Muslim, has been suspended and investigated for calling for one. The rules the officials apply to Woodcock's speech are overbroad, vague, and prior restraints. The officials also apply to Woodcock's speech the definition of antisemitism of the International Holocaust Remembrance Alliance ("IHRA") and its examples,

which extend protection from criticism to a single, favored religious nationalism. 2025 Senate Joint Resolution 55 ("SJR 55") directs Kentucky's public universities to use the IHRA definition as guidance. The United States Department of Education has pressed the definition on universities through threats to their federal funding. The officials who will decide whether to charge Woodcock, and who control every later step, have prejudged his case.

NATURE OF THIS PLEADING

5. This pleading asserts only federal claims and no claim for breach of contract. Woodcock pursues his claims under Kentucky law in the Franklin Circuit Court, because a federal court may not adjudicate state-law claims against state officials in their official capacities. *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 106, 121 (1984).

JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 1331, because Woodcock's claims arise under the Constitution and laws of the United States, and under 28 U.S.C. § 1343(a)(3) and (4). Woodcock brings his claims against the state officials under 42 U.S.C. § 1983. The Court may declare the rights of the parties under 28 U.S.C. §§ 2201 and 2202.

7. Woodcock's claims against the Secretary of Education arise under the Administrative Procedure Act, 5 U.S.C. §§ 702 and 706, and the Constitution.

8. Venue lies in this District under 28 U.S.C. § 1391(b)(1)–(2) and (e)(1), because the state officials reside in Kentucky, the Secretary is an officer of the United States sued in her official capacity, and the events giving rise to the claims occurred in Lexington.

PARTIES

9. Woodcock is the Edward H. Metcalf Jr. Professor of Law at the J. David Rosenberg College of Law of the University of Kentucky ("the law school"). Woodcock is an Arab American and a Muslim of Algerian national origin.

10. Eli Capilouto is the President of the University and its "chief executive officer." Governing Reg. III — The President § B, DN 19-3 at PageID 423–424. The Board of Trustees ("the Board") has delegated to the President "full authority and responsibility over [the University's] administration," including 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." *Id.* Woodcock sues Capilouto in his official and individual capacities.

11. Robert DiPaola is the Provost of the University, "the chief academic officer for the University," who "is responsible for faculty employee functions" and "has the authority to manage the employment" of the faculty. Admin. Reg. 1:1 § IV.F, Ex. 1. Woodcock sues DiPaola in his official and individual capacities.

12. William E. Thro is the General Counsel of the University and "the chief legal advisor for the University." Admin. Reg. 1:1 § IV.E, Ex. 1. The General Counsel is responsible for "the selection and retention of outside legal counsel." Bus. Proc. Man. § E-1-6, Ex. 2. Woodcock sues Thro in his official and individual capacities.

13. James C. Duff was Interim Dean of the law school from July 1, 2025, through June 30, 2026, under an appointment directing him to "[l]ead consistent with the direction determined by the President." Ex. 3 at 1. As Interim Dean, Duff was the law school's chief administrative officer, responsible for "the assignment of duties to all personnel." Ex. 4 at § F.2.c. Woodcock sues Duff in his individual capacity only.

14. Gregory F. Van Tatenhove has been Dean of the law school since July 20, 2026. Ex. 5 at 2. Van Tatenhove has been substituted for Duff as to the official-capacity claims against the Dean. DN 63 at 1 (PageID 2196). Woodcock sues Van Tatenhove in his official capacity and, for his own acts since July 20, 2026, in his individual capacity.

15. Linda McMahon is the Secretary of Education. The Department of Education extends federal financial assistance to the University and enforces Title VI of the Civil Rights Act of 1964 against recipients of that assistance, including by proceedings to terminate it. Woodcock sues the Secretary in her official capacity only.

16. Russell Coleman is the Attorney General of the Commonwealth of Kentucky. Woodcock sues the Attorney General in his official capacity only.

17. Capilouto, DiPaola, Thro, Duff, and Van Tatenhove are referred to collectively as "the University Defendants," and, as sued in their individual capacities, as "the individual-capacity defendants." Capilouto, DiPaola, Thro, and Van Tatenhove, as sued in their official capacities, are referred to as "the official-capacity defendants." Each University Defendant acted under color of state law at all relevant times.

FACTUAL ALLEGATIONS

A. Woodcock's Appointment, Tenure, and Contract

18. University rules define the terms of Woodcock's tenured appointment. The University hired Woodcock as an Assistant Professor effective August 1, 2018, by an offer letter that states that his "responsibilities" are "as outlined in the . . . University of Kentucky rules and regulations." DN 19-3 at PageID 398–399. The University granted him tenure and promoted him to Associate Professor on July 1, 2022. The University's notice of that appointment describes it as a "[n]ew contract for promotion with tenure effective 07/01/2022," runs "Continuous," and provides

that other conditions of tenure "are contained in the University's Governing Regulations and Administrative Regulations." DN 19-3 at PageID 401. On July 1, 2025, on the unanimous recommendation of the law school's promotion and tenure committee and the then-Dean, the University promoted Woodcock to full Professor. The Board approved both the tenure and the promotion. Admin. Reg. — University Appointments § B.1, Ex. 6.

19. Woodcock's tenured appointment, and the University rules that define the terms on which a tenured professor may be suspended, reassigned, or dismissed, give Woodcock a property interest in continued employment and in the duties of a tenured professor, including teaching, research, and service.

20. Woodcock accepted a substantially smaller salary than he would earn in legal practice in exchange for the opportunity to teach, to work with students and colleagues in the law building, to use the law school's research facilities, and to pursue scholarship free of retaliation. Ex. 7; Ex. 8 at 27.

B. The University's Rules on Suspension, Workload, Discipline, and Discrimination

21. Woodcock was suspended in violation of University procedures addressing suspension and workload. The University's rules, then and since, condition suspension on a threat of harm. When Woodcock was suspended on July 18, 2025, the Regulations Affecting Employment provided that, "[u]ntil the final decision on termination of an appointment has been reached, the faculty member shall be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by the faculty member's continuance," and that "[b]efore suspending a faculty member . . . the President shall consult with the Faculty Senate Advisory Committee on Privilege and Tenure." DN 19-3 at PageID 449, § B.1.f.(3).

22. The immediate-harm provision was deleted within weeks after Woodcock's counsel wrote, on September 24, 2025, that the suspension violated it. DN 19-4 at PageID 1074–1076; compare DN 19-3 (PageID 440–458) § B.1.f.(3), with DN 19-3 (PageID 460–475) § B.1. On an interim basis and, on information and belief, without submitting it to the community for review, Capilouto issued Administrative Regulation ("AR") — Due Process (Interim). DN 19-3 at PageID 522–526.

23. The interim regulation provides that an accused employee will be suspended "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." DN 19-3 at PageID 522–526. The interim regulation authorizes the Provost, not a dean, to suspend a faculty member. No administrator, including DiPaola, has ever determined that the allegations against Woodcock, if true, would make him a threat to the safety and well-being of others.

24. The University's Office of Equal Opportunity ("OEO") Policy, issued in November 2025 and the policy under which the investigation of Woodcock has since continued, permits interim suspension only where the allegations "present a threat to the physical health or safety of an individual or the University community," and only after "an individualized safety and risks analysis" and a written determination "that an immediate threat to the physical health or safety of any individual arising from the allegations justifies removal." Ex. 9 at 15 (§ VI). No such analysis has ever been performed for Woodcock. The OEO Policy provides that "those who are not members of the University Community may not serve as Complainants in a resolution process," and that any 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.* at 7 (§ II.C), § IV. Under the OEO Policy, the OEO "Executive Director" "determines [if] the elements of Probable Cause are met to refer to a hearing," *id.* at § IV.B.6, the respondent then receives a

statement of charges that includes the "final investigative report," and sanctions are considered only after a hearing panel has found a violation, DN 19-3 (PageID 481–489) §§ I.C.1, I.E.2.

25. AR 3:8 requires that workload assignments "assure fairness in the distribution of responsibility among faculty employees" and that "all faculty employees within the unit have comparable workloads," and permits adjustments only for reasons that relate to the courses taught, research responsibilities, or service expectations. DN 1-3 at PageID 50, 53. The law school's Faculty Rules weight teaching for senior faculty at 40 to 55 percent, research at 35 to 50 percent, and service at 5 to 25 percent. DN 1-4 at PageID 78–79. A dean "shall seek the advice of the faculty of the college" in "the assignment of duties to all personnel." Ex. 4 at § F.2.c.

26. The University's suspension rule tracked the principles of the American Association of University Professors ("AAUP"), under which "[a] suspension which is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process." Ex. 10 at 4. The AAUP twice wrote to Capilouto, copying DiPaola and Duff, that the University's conditions on suspension and reassignment "are incorporated nearly verbatim into the University of Kentucky's 'Regulations Affecting Employment,'" and urged him to reinstate Woodcock. DN 19-3 at PageID 406, 410–413.

27. The Policy on Discrimination and Harassment, AR 6:1, prohibits adverse or different treatment based on race, national origin, ethnic origin, religion, creed, and political belief, and prohibits retaliation against anyone who reports discrimination. DN 42-2. AR — Equal Dignity (Interim), which replaced AR 6:1, likewise prohibits discrimination on those grounds and prohibits retaliation. DN 19-3 (PageID 477–479) §§ I, III.C. The Institutional Neutrality Policy ("the Neutrality Policy") that replaced the Institutional Statements Policy ("the Statements Policy") in effect when Woodcock was suspended "prohibits discrimination on the basis of an individual's political or social viewpoint." DN 19-3 at PageID 528 (Preamble).

C. The Rules the Officials Are Applying to Woodcock's Speech

28. The officials are investigating Woodcock's speech under contradictory rules, several since replaced. Farnaz Farkish Thompson of McGuireWoods LLP, the outside investigator, issued a notice of investigation on July 22, 2025 ("the first notice"), DN 19-15 at PageID 1558–1561, and an amended notice on September 8, 2025 ("the amended notice"), DN 19-15 at PageID 1573–1574. Both notices investigate Woodcock under the Ethical Principles and Employee Code of Conduct ("the Code"), the Statements Policy, AR 10:1, AR 6:1, and AR — Significant Policies. DN 19-15 at PageID 1558; DN 19-15 at PageID 1573. The first notice alleges that Woodcock was "using the University's resources to circulate an online petition" and spoke at conferences "in [his] capacity as a University of Kentucky Law Professor." DN 19-15 at PageID 1558–1559.

29. The Code makes "[v]iolations of this code . . . subject to appropriate sanctions." DN 19-3 (PageID 565–574) § B. The Code permits faculty "writing or speaking publicly in a professional or expert capacity" to identify themselves by their University relationship but requires, "in all instances where the individual might give even the appearance of speaking on behalf of the University," that "care must be taken to emphasize that any views expressed are their own," and requires that "when commenting as citizens, those who act for the University must use personal stationery and personal e-mail accounts." *Id.* at § B.2. The Code guarantees faculty "the same freedoms as other citizens, without institutional censorship or discipline," but adds that "[w]hen employees speak or write as citizens, they should indicate that they are not speaking for the University." *Id.* at § B.3. The Code's conflict-of-interest provision forbids "conduct that might in any way lead members of the general public to conclude that he or she is using an official position to further professional or private interests," *id.* at § B.9—the provision the amended notice tracks in alleging that Woodcock was "using his official position as a University of Kentucky professor" to advance his views, DN 19-15 at PageID 1573.

30. The Statements Policy provides that a faculty member speaking "as an individual, scholar or subject matter expert" "should always take care to reinforce that they are speaking as an individual or in their capacity as a subject matter expert, not as a representative of the institution," DN 19-3 (PageID 515–520) § III, and that University email, the University's name (except "as part of a position title"), and "signature lines" "should not be used" for private statements, *id.* at § V.II. The Neutrality Policy, issued in September 2025, carries these provisions forward and adds that "[w]hen speaking at professional or academic conferences or engaging in activities related to professional associations, community members should make it clear that they are speaking for themselves and not for the institution." DN 19-3 (PageID 528–533) §§ III, V.II(a)–(d). The conference provision appeared two months after the investigation of Woodcock's "conduct at academic conferences" began, DN 19-3 at PageID 491, and was written in response to his speech.

31. AR 10:1 governs "technology resources provided by or through the University, as well as external technology resources to which the University enables or facilitates access." DN 19-3 (PageID 580–586) §§ I, II. AR 10:1 prohibits "unsolicited mass mailings or 'spamming,'" providing that "[m]ass mailings must only be sent to clearly identified groups for official purposes, and may not be sent without proper authorization and coordination with UK Public Relations and Marketing," *id.* at § IV.J.c.vii, while calling "[i]ncidental personal use" "an accepted and appropriate benefit," *id.* at § IV.J.b. AR 10:1 defines none of these terms. *Id.* at § III. AR — Significant Policies provided that University resources "shall be used only for educational, cultural or charitable purposes or other purposes as determined by the President." DN 19-3 (PageID 576–578) § C.

32. The investigation applies AR 10:1 to online discussion groups hosted by the Association of American Law Schools ("AALS"), on the ground that Woodcock has access to them "as a University of Kentucky Law Professor." DN 19-15 at PageID 1559. The groups are not University resources. Woodcock joined them at AALS's invitation in December 2023. Ex. 11 at 1, 2;

DN 40 at 29:23–31:6 (PageID 1830–32). AALS describes each list as "a forum for the exchange of points of view," Ex. 12 at 1, 2, 4, and since early July 2025 every message has carried a footer stating that "individual users are responsible for the content of their posts," Ex. 13 at 3. When list members objected to some of Woodcock's posts in 2025, AALS "opted to release [his] postings fully." Ex. 14 at 2.

33. AR 6:1 defines harassment as "unwelcome conduct that is based on" a listed status, including "political belief" and "creed," that "is sufficiently severe, pervasive, or persistent to interfere with an individual's work, academic or program participation, or creates an environment that a reasonable person would consider intimidating, hostile, or offensive." DN 42-2 (PageID 2094–2096) §§ II.A, II.B. AR 6:1 contains no reference to antisemitism or to the IHRA definition, although both notices state that AR 6:1 "incorporates the International Holocaust Remembrance Alliance's definition of anti-Semitism." DN 42-2; DN 19-15 at PageID 1558; DN 19-15 at PageID 1573. AR — Equal Dignity (Interim) defines harassment as behavior "so severe, pervasive, and objectively offensive" that victims "are effectively denied equal access to an institution's resources and opportunities." DN 19-3 (PageID 477–479) § II.A.

34. AR 10:4 requires employees posting online to "identify their views as their own," forbids them to "use the University's name to promote a product, cause, or political party or candidate," and threatens "[c]orrective or disciplinary actions and sanctions." Ex. 16 at §§ II, V.D, V.G, VII, VIII. The AR — Employee Code adopted on October 27, 2025, requires employees to "understand that their behavior reflects not only the reputation of the individual, but also that of the University," on pain of "discipline, including possible suspension without pay up to separation from employment." Ex. 17 at §§ I.A, II.

35. Governing Regulation I provides that faculty academic freedom "covers all speech in a formal instructional setting related to the subject of the course and all scholarly speech related to

the faculty member's area or expertise." DN 1-2 (PageID 44–48) § C; Ex. 18 at § I.A. In the Sixth Circuit, Capilouto, DiPaola, Thro, and Duff stated that academic freedom "certainly extends to speech at academic conferences which are limited to a faculty members expertise." 6th Cir. No. 26-5057, Doc. 29 at 6. The Regulations Affecting Employment provide that "[l]ike other citizens, faculty members are free to engage in political activities," with no disclaimer requirement. DN 19-3 (PageID 460–475) § B.3.b. Woodcock taught the International Law Seminar, which concerns the legitimacy of governments, in 2023, 2024, and 2025.

36. The President's "interpretation" of the Governing and Administrative Regulations and, since October 27, 2025, of "all policies, processes and procedures," is "binding on all members of the University community, unless otherwise prescribed by the Board of Trustees." DN 19-3 (PageID 423–424) § B; Ex. 19 at § VIII. The only official who can construe these rules authoritatively is therefore Capilouto, who has publicly condemned Woodcock's views, as alleged in Part G.

37. The rules contradict one another. The Code lets faculty speaking "in a professional or expert capacity" identify themselves with the University, then tells faculty speaking as citizens that they "should indicate that they are not speaking for the University." DN 19-3 (PageID 565–574) §§ B.2, B.3. The Statements Policy allows the University's name "as part of a position title," then says the "signature lines" in which faculty display their titles "should not be used." DN 19-3 (PageID 515–520) §§ III, V.II. AR 10:1 calls incidental personal use of University email "an accepted and appropriate benefit," while the Code requires faculty "commenting as citizens" to use "personal e-mail accounts." DN 19-3 (PageID 580–586) § IV.J.b; DN 19-3 (PageID 565–574) § B.2. Several provisions state what faculty "should" do, while the same provisions use "must" for other requirements, and nothing tells faculty that departing from a "should" is misconduct. DN 19-3

(PageID 515–520) § V.II; DN 19-3 (PageID 565–574) §§ B.2, B.3. A faculty member cannot tell from these rules what is required.

38. The Code, the Statements Policy, AR 6:1, and AR — Significant Policies no longer appear among the University's current regulations, but the allegations against Woodcock under them have not been withdrawn. The University Defendants have told this Court that the regulations that replaced the Code and AR 6:1 "impose substantively identical standards." DN 63 at 24–25 n.128 (PageID 2219–20). AR 10:1, AR 10:4, the Neutrality Policy, the AR — Employee Code, AR — Equal Dignity (Interim), and the OEO's application of the IHRA definition are in force and apply to Woodcock now.

D. SJR 55 and the IHRA Definition

39. 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 IHRA. 2025 Ky. Acts ch. 157, Ex. 20. The Governor signed SJR 55 on April 2, 2025. *Id.*

40. At the March 11, 2025 hearing on SJR 55 before the House Standing Committee on Postsecondary Education, a witness named Woodcock among several professors, describing "Ramsi Woodcock, University of Kentucky, who rants about Jews both online and in the classroom, with Jewish students in the room." Ex. 21 (30:15–30:52). State Representative Daniel Grossberg told the committee that "there's been a quiet ask from the universities" for the resolution because it would allow them to "bring in the full force." *Id.* (35:12–36:10). Woodcock has said nothing political in his classes. He has not discussed Israel or Palestine in any class except International Law, where the subject is unavoidable, and no one has objected to his teaching of that course. DN 19-10; DN 19-9; DN 19-13; DN 19-14. None of the allegations against him concerns anything he said in a class. DN

63-1 at 2–3; DN 63-3 at 2–3. Duff testified that before he banned Woodcock he had not seen "any evidence" that Woodcock "had said anything critical about Israel inside the law school." DN 40 at 176:3–6 (PageID 1977).

41. University officials say they apply the IHRA definition to Woodcock because SJR 55 requires it. Thro wrote on September 19, 2025, that the University "will use the definition of antisemitism adopted by its Board of Trustees, mandated by the Kentucky General Assembly, and used by the federal government." DN 19-4 at PageID 1067. Sarah G. Mudd, the OEO's Executive Director, testified that the IHRA definition "would require, by state law, to apply to investigations around potentially anti-Semitic claims," including the investigation of Woodcock. DN 40 at 150:19–24 (PageID 1951). The University Defendants have described Woodcock's claim as a challenge to "the University's use of the antisemitism definition mandated by the General Assembly." DN 63 at 26 (PageID 2221).

42. The OEO states that in investigating complaints of antisemitism it applies the IHRA definition, under which "[a]ntisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews," and refers readers to the examples that accompany it. Ex. 15; DN 42-3 (PageID 2097–98). Those examples treat as antisemitic "[d]enying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor," "[a]pplying double standards by requiring of it a behavior not expected or demanded of any other democratic nation," and "[d]rawing comparisons of contemporary Israeli policy to that of the Nazis." DN 42-3 (PageID 2097–98). The IHRA states that examples of antisemitism "could, taking into account the overall context, include, but are not limited to" those listed. *Id.*

43. The OEO attributes its use of the IHRA definition not to SJR 55 but to 2021 Senate Resolution 67, a resolution of the Senate alone, adopted by voice vote, never presented to the Governor, quoting only the two sentences of the working definition and not the examples, and

directing nothing to any university. Ex. 15; Ex. 22 at 1, 3–4. A resolution of one chamber has no force of law.

44. The minutes of the Board record no adoption of the IHRA definition. The only Board action concerning SJR 55 occurred on September 12, 2025, eight weeks after Woodcock was suspended, when the Board approved a recommendation to "formally acknowledge the University's compliance with Senate Joint Resolution 55" by sending students an annual notice of their rights under Title VI. Ex. 23 at 5–6.

45. The Attorney General announced on February 4, 2026, that "[u]nder the direction of those guidelines, the University of Kentucky temporarily suspended the teaching duties of law professor Ramsi Woodcock in July 2025," DN 78-1, repeated on July 28, 2026, that the University acted "[i]n reliance on those guidelines," DN 78-2, and told the Sixth Circuit that "[i]n compliance with SJR 55, UK adopted IHRA's definition of antisemitism through its Office of Equal Opportunity," 6th Cir. No. 26-5057, Doc. 55 at 15. In this Court the Attorney General characterizes Woodcock's challenge as one to "the University's application of SJR 55 to his situation." DN 67 at 7 (PageID 2417).

46. The University Defendants have applied, and are applying, the IHRA definition and its examples to Woodcock in suspending and investigating him. They do so at SJR 55's direction, as Thro, Mudd, the University Defendants, and the Attorney General have stated; at the Department of Education's urging, as alleged in Part E; or of their own accord, as the OEO's citation of a resolution without legal force suggests. On any of these accounts, the application is unlawful. Woodcock pleads these alternatives in Counts III, IV, VI, VII, XII, and XIII. Woodcock does not concede that the University, its Board, its OEO, or any University rule ever validly adopted the IHRA definition. This pleading refers to "the IHRA definition and its examples, as the University Defendants apply them."

E. Federal Guidance and the Department of Education's Demands

47. The Department of Education presses universities to apply the IHRA definition, backed by threats to their federal funding. Executive Order 13899, Combating Anti-Semitism, directs that "all executive departments and agencies (agencies) charged with enforcing Title VI shall consider" the IHRA working definition and "the 'Contemporary Examples of Anti-Semitism' identified by the IHRA, to the extent that any examples might be useful as evidence of discriminatory intent." Exec. Order No. 13899 § 2(a), 84 Fed. Reg. 68,779, 68,779 (Dec. 16, 2019). The Contemporary Examples include the three examples quoted in Part D. The University Defendants describe Executive Order 13899 as an order "which the President issued to direct federal agencies to use the IHRA definition of antisemitism in enforcing Title VI of the Civil Rights Act." DN 63 at 27 (PageID 2222).

48. In 2021 the Department of Education's Office for Civil Rights stated that it "will consider the IHRA definition in handling complaints of anti-Semitism." U.S. Dep't of Educ., Off. for Civil Rights, *Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964*, at 2 (Jan. 19, 2021). The University received $255.3 million in federal awards in fiscal year 2025, 51.4 percent of its grant and contract awards. Univ. of Ky. Off. of the Vice President for Rsch., *Stats & Rankings* (Internet Archive capture of Jan. 17, 2026).

49. In early 2025 the federal government formed a multi-agency Task Force to Combat Anti-Semitism. *Khalil v. Trustees of Columbia Univ.*, No. 1:25-cv-02079 (S.D.N.Y.) ("*Khalil*"), ECF 220 at 2. Days after announcing a review of Columbia University's federal grants, federal agencies "canceled or paused" approximately $400 million in grants to Columbia. *Khalil* ECF 175 at 2.

50. On March 13, 2025, Thomas E. Wheeler, Acting General Counsel of the Department of Education, together with officials of the General Services Administration and the

Department of Health and Human Services, signed a letter to Columbia's Interim President and Trustees setting out "immediate next steps that we regard as a precondition for formal negotiations regarding Columbia University's continued financial relationship with the United States government," and demanding documented compliance by March 20, 2025. *Khalil* ECF 15-2 at 2–3. One precondition read: "Formalize, adopt, and promulgate a definition of antisemitism. President Trump's Executive Order 13899 uses the IHRA definition." *Id.* at 3; *Khalil* ECF 175 at 2; *Khalil* ECF 38 at 4–5.

51. On July 15, 2025, Columbia announced that it was incorporating the IHRA definition into its antidiscrimination policies. *Khalil* ECF 220 at 3–4. The *Khalil* court observed that Columbia adopted the IHRA definition "right around the time that it reached a settlement with the government resolving the university's funding issues." *Khalil* ECF 175 at 8.

52. On March 19, 2026, the *Khalil* court held that students had plausibly alleged that the agency defendants, officials of the Departments of Justice, Education, and Health and Human Services and of the General Services Administration, "coerced Columbia to adopt a definition of antisemitism through which it would punish and suppress plaintiffs' political speech," and that the March 13 letter "could be reasonably understood to convey a threat of adverse government action in order to punish or suppress the plaintiff's speech." *Khalil* ECF 175 at 1, 8, 18. Secretary McMahon is a defendant in *Khalil* in her official capacity. *Khalil* ECF 220 at 1 n.1.

53. In a stipulation signed on July 30 and August 5, 2026, the government agreed, as to Columbia only, that "[a]bsent a court order or change in the law requiring the United States Government to do so, the United States Government does not and will not" "[r]equire that Columbia adopt, incorporate, reference, or maintain any particular definition of antisemitism," "including . . . the IHRA definition," or condition funding on or investigate Columbia for not doing

so. *Khalil* ECF 220 at 6–7. Neither the Secretary nor the Department has given any such assurance as to Kentucky, the University, or any other institution. Executive Order 13899 remains in effect.

54. University officials invoke federal guidance in acting against Woodcock. Capilouto's July 18, 2025 message said that the petition "can be interpreted as antisemitic in accordance with state and federal guidance," invoked Title VI, and announced an outside review of "whether this employee's conduct may violate federal and state guidance as well as university policies." DN 19-3 at PageID 496–497. Thro wrote that "the University has a federal law obligation to investigate." DN 19-4 at PageID 1067. On October 30, 2026, the University Defendants told this Court that "[t]he IHRA's definition was adopted into policy to comply with both federal and state directives," that the University must investigate Woodcock "to ensure it complies with its obligation under federal law," and that this duty "is further illustrated by" a settlement the United States entered with the University of North Carolina on October 19, 2026. DN 79 at 4–5 & n.17, 22 (PageID 2635–36, 2653). The parties entered that agreement, which concerns Title VI investigations opened by the Department of Justice and the Department of Education's Office for Civil Rights, "to avoid the burdens and risks of protracted investigations or litigation and the prospect of defunding or other loss of federal support." The agreement binds the University of North Carolina to maintain policies "prohibiting, preventing, and disciplining unlawful antisemitism in all of its operations." DN 79-3 at 2–3 & ¶ 9 (PageID 2667–68).

55. On information and belief, the University Defendants apply the IHRA definition and its examples to Woodcock's speech in part because the Department considers those examples in enforcing Title VI and because the University depends on federal funds of the kind the Department and its partner agencies withheld from Columbia to compel the adoption of a definition of antisemitism. An order barring the Secretary from requiring or pressing the University to apply the

IHRA examples to protected speech would remove one of the reasons the University Defendants give for applying the examples to Woodcock's speech.

F. Woodcock's Identity, Speech, and the University's Response Before July 2025

56. University officials knew Woodcock's ancestry, faith, and views long before they acted against him. On information and belief, Woodcock is the only Arab member of the law faculty.

57. University administrators associate opposition to Zionism with Arab and Muslim identity, including Woodcock's, and treat that opposition as antisemitism when Arabs and Muslims express it. Israel is an American-backed colonization project committing apartheid and genocide at the heart of the Arab world, which is predominantly Muslim. Like the vast majority of Arabs and Muslims around the world, Woodcock opposes the existence of Israel. Opposition to Zionism is disproportionately associated with Arab and Muslim people, and is often conflated with antisemitism. After Woodcock shared his views about Palestine with the law school community in early 2024, one law school administrator joked at a law school event that he would give Woodcock a "fez," a headdress stereotypically associated with North Africans during the colonial period. Another administrator pointedly asked Woodcock whether he is a "practicing" Muslim. A third asked whether he celebrated Christmas. A senior member of the law faculty repeatedly told Woodcock that his views about Palestine must be due to his mother, whom the colleague knew to be of Algerian descent, and suggested that Woodcock speak publicly about his Algerian ancestry so that people would understand his views.

58. Woodcock's Algerian ancestry was known throughout the law school by the spring of 2024. On April 12, 2024, the Dean of the law school forwarded to the law school community listserv Woodcock's note on the death of his mother, with links to obituaries that described her as

"an Algerian-born scholar." Ex. 74 at 2, 5. On May 3, 2024, in the listserv debate over his statement on Palestine, Woodcock referred to "my mother's country, Algeria." Ex. 75 at 5. On May 7, 2024, the emeritus member of the law faculty who had answered him wrote to the listserv about "your mother's homeland of Algeria." Ex. 75 at 7.

59. In late 2023, Muslim law students attempted to send an email to a student listserv maintained by the University urging classmates to contact members of Congress about American funding of Israel's military campaign in Gaza. University administrators prohibited the email as political speech, even after the students showed an administrator political statements that the Dean of the law school had sent through the same listserv. Ex. 28. When Woodcock asked Assistant Dean Danny Murphy to discuss the matter, Murphy replied that the matter was being handled as "directed by collective university departments, including UK Student Affairs, Institutional Diversity and General Counsel's Office." Ex. 29 at 1. In a telephone call on January 3, 2024, Murphy told Woodcock that because the email was "calling for, asking people to call their congressmen, that's kind of related to politics," and "[w]e can't let students use the listserv for that purpose." DN 40 at 41:13–19 (PageID 1842); Ex. 29 at 9, 12.

60. In the same call, Murphy told Woodcock that a high-level working group of the University had concluded "that there can't be any campus events in opposition to what's going on unless they provide both sides." DN 40 at 41:20–25 (PageID 1842). The requirement was never put in writing. Murphy conveyed the requirement as what "the high-level folks somewhere have decided is how things should happen." DN 40 at 42:1–6 (PageID 1843). Woodcock, who chaired the law school's Diversity Committee (later renamed the Community and Engagement Committee), and the members of that committee understood that the University was applying the requirement. *Id.* at 43:2–10 (PageID 1844). On information and belief, no "both sides" requirement has been imposed on events presenting other views, including pro-Israel views. DN 19-13 ¶ 5; DN 19-9 ¶¶ 3–6.

61. Woodcock's scholarship connects antitrust and Palestine. Woodcock has argued that the Zionist movement's land purchases before 1948, which the movement refused to resell and leased only to Jewish settlers, amounted to a scheme of land monopolization that antitrust scholarship has neglected. DN 40 at 81:11–82:4 (PageID 1882–83).

62. Woodcock shared his scholarship and views on Israel and Palestine openly with the law school, including its administrators, for seventeen months before any University official acted against him. On February 14, 2024, Woodcock presented early-stage work titled "A Law and Economic Argument for Dismantling Israel" at a faculty research seminar in the law building. Ex. 30. On March 30, 2024, Woodcock posted to his personal blog a statement calling for "the immediate and complete dismantling of our colony in Palestine" and stating that "the Palestinians alone have a right to engage in armed struggle within their territory, which includes all of the territory of Israel." DN 65-1 at PageID 2352–2353. No one at the University contacted Woodcock about the statement. On May 2, 2024, Woodcock wrote to the law faculty listserv, copying the Diversity Committee, including an Assistant Dean, describing the suppression of the students' message, linking to the statement on his blog, and proposing that the faculty issue a statement on Palestine. Ex. 31. On August 13, 2024, Woodcock again wrote to the law faculty listserv, urging colleagues to read reports of the killing in Gaza and to join his statement. At Woodcock's request, the agenda of the August 21, 2024 faculty meeting included his "short presentation about what is going on in Palestine," which Woodcock gave after the then-Interim Dean affirmed his own commitment to the First Amendment. Ex. 32. On October 29, 2024, the law school hosted, at University expense, a talk Woodcock organized by Professor John Quigley titled "Israel's Right to Exist from the Perspective of New Developments in International Law." Ex. 33 at 1–2.

63. On November 13, 2024, the committee held a lunchtime discussion titled "Does the First Amendment Protect My Speech On Campus?" Ex. 34 at 1. The committee invited an attorney

who litigates campus free-speech cases to speak. DN 40 at 43:12–44:4 (PageID 1844–45). Attendance was voluntary. *Id.* at 44:19–45:4 (PageID 1845–46). Toward the end, speaking from the audience, Woodcock asked the speaker whether the University's "both sides" requirement was constitutional. *Id.* at 44:5–12, 45:7–9 (PageID 1845–46). Woodcock's question is set out in Part J.

64. The OEO did not investigate a report about this speech. Before 2025, the OEO received an anonymous report, forwarded with one of Woodcock's listserv emails, raising "concern about anti-Israel sorts of remarks in terms of hostile environment for individuals who might be Israeli or Jewish." DN 40 at 148:13–149:13 (PageID 1949–50). Mudd testified that the content of that email "probably" was similar to the speech now under investigation, that the OEO did not open an investigation, and that no one asked the OEO to open one. *Id.* at 150:2–13 (PageID 1951). On July 1, 2025, Woodcock was promoted to full Professor. Officials acted against Woodcock only after the General Assembly passed SJR 55 and after he posted links to his petition to the AALS online discussion groups on July 6, 2025.

G. The Petition, the July 9 Meeting, and the Announcement

65. Starting in November 2024, Woodcock maintained on his personal website a Petition for Military Action Against Israel that he had drafted. Ex. 35. The text was the same on July 18, 2025, the day Woodcock was suspended. DN 65-7. On July 6, 2025, Woodcock posted links to the petition to the AALS online discussion groups. The petition states 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." Ex. 35 at 1. The petition calls on "every country in the world [to] make war on Israel immediately and until such time as Israel has submitted permanently and unconditionally to the government of Palestine everywhere from the Jordan River to the Mediterranean Sea." *Id.* The petition invites "[l]aw scholars" to sign and states that "[i]nstitutional

affiliations are listed for informational purposes and do not imply institutional endorsement of this statement." *Id.* The petition calls for an end to genocide. The petition does not call for the genocide or destruction of any people.

66. University officials first raised concerns about Woodcock's speech at a meeting on July 9, 2025, with Vice Provost Jana Jasinski and Rebecca Thomas, who had become Associate Provost for Faculty Advancement two days earlier. Woodcock had not been told the topic of the meeting in advance. Jasinski told Woodcock that two concerns had come to the Provost's office—that on an antitrust and privacy panel at a conference at George Mason University more than a year earlier Woodcock had made comments about Israel and genocide, and that his College of Law profile page linked to a personal website whose content was personal rather than professional. Jasinski did not mention the petition, Woodcock's posts to the AALS discussion groups, an investigation, a suspension, a ban, or termination. Jasinski indicated that the discussion might lead to a request that Woodcock remove the link and keep his conference remarks to the subject of his panel. Woodcock asked for time to prepare, offered to meet again, and asked to see the communications the Provost's office had received. Jasinski said that the office would get back to him. The office never did.

67. On July 18, 2025, twelve days after Woodcock's AALS posts and nine days after the July 9 meeting, Capilouto emailed the entire "[c]ampus community" that the University had "been made aware of allegations of disturbing conduct, including an online petition calling for the destruction of a people based on national origin," that the petition "can be interpreted as antisemitic in accordance with state and federal guidance," that the views the petition expressed "express hate" and "are repugnant," that "if such individual expressions 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 that "this employee has been removed, pending an investigation, from any teaching and

classroom responsibilities." DN 19-3 at PageID 496–497. Capilouto's characterization of the petition was false. The characterization deployed a familiar anti-Arab and Islamophobic trope that portrays Arabs and Muslims as genocidal, bloodthirsty, and driven by hatred of Jews. Although the email did not name Woodcock, the Lexington Herald-Leader identified Woodcock as its subject within hours. By condemning the petition as "hate," Capilouto took an official position on whether Israel has a right to exist, contrary to the Statements Policy, under which the University "does not take official positions on or issue public statements about societal issues." DN 19-3 at PageID 515 (Preamble).

68. That evening, Woodcock wrote to the law faculty, copying Capilouto, that Capilouto's characterization of Woodcock's position was "defamatory, creates a hostile environment, and could very well become the cause of violence directed at me," and that "I call upon President Capilouto to retract his statement, issue a public apology to me, and meet with me." Ex. 36 at 1. Capilouto did not retract his statement or respond.

H. The Suspension, the Ban, and the Investigation

69. On July 18, 2025, without prior notice and without a hearing, Duff informed Woodcock by letter that, "[f]ollowing protocols and past practices for investigations of this nature, to protect both you and the University and in consultation with the Provost's office," Woodcock was being "temporarily reassign[ed]." DN 19-3 at PageID 493. The letter moved Woodcock's entire distribution of effort, normally 45 percent teaching, 50 percent research, and 5 percent service, to "100% professional development," and barred Woodcock from the law school building and from supervising any staff or students or advising any student organization, all "for the duration of the investigation." *Id.*

70. The "reassignment" was a suspension. The reassignment relieved Woodcock of every duty that defines a law professor's work. The University's own records now call the reassignment "Administrative Leave," as alleged in Part N. The 2025–26 distribution of effort agreement that the Associate Dean and Woodcock signed in October 2025 had recorded his customary distribution of effort. Ex. 37.

71. Also on July 18, 2025, Thro wrote to Woodcock that the University had become aware of his "writings on certain websites, your conduct at academic conferences, and your postings on American Association of Law Schools list serves, and other actions," which "may create a hostile environment for Jewish members of the university community or otherwise constitute harassment as defined by the Supreme Court," and that "[c]onsequently, the University is launching an investigation" to be led by Thompson of McGuireWoods. DN 19-3 at PageID 491.

72. McGuireWoods was engaged on or about July 16, 2025, two days before the announcement. On July 18, 2025, Thro emailed Thompson and Mudd "to certify the investigation under 2025 Acts Ch. 120 (HB 4)." DN 26-4 ¶¶ 5–6. That statute bars a public university from investigating a "bias incident" unless its general counsel "certifies in writing that the investigation is necessary" because the conduct may amount to student-on-student harassment or is subject to mandatory investigation under state or federal law. 2025 Ky. Acts ch. 120, § 2(1)(f). Neither ground applied. Woodcock is not a student. No state or federal law required the investigation.

73. The University did not engage McGuireWoods through the process that Kentucky law and its own rules prescribe for outside lawyers. Under the University's rules, outside legal counsel "is selected through the procurement process and submitted to the Legislature's Contract Review Committee." Ex. 2 § III.1. Kentucky law requires that a contract for professional services be awarded through a request for proposals and filed with the General Assembly's Government Contract Review Committee, with a showing that state personnel cannot perform the service, before

any work begins. KRS 45A.690(1)(h), 45A.695(1)–(3), (5). A state agency's employment of attorneys also requires the Governor's approval. KRS 12.210(1). None of the Committee's monthly lists of personal service contracts from January 2022 through October 2026 includes a contract with McGuireWoods or Thompson, and the Office of the Governor has located no record of any approval of the engagement. Ex. 76.

74. Instead, the law firm that now represents the University officials in this case, Sturgill, Turner, Barker & Moloney, PLLC, billed the University, under Sturgill Turner's own personal service contract and in a matter titled "Personnel Investigation," for "Experts" costs of $108,501.00 on September 29, 2025, and $78,961.70 on October 28, 2025, without stating who did the work, for how many hours, or at what rate. DN 19-3 at PageID 595–96, 600, 604–05, 608, 612–13. On information and belief, those charges are McGuireWoods' fees. In October 2026, the University reported that its payments to Sturgill Turner for a matter titled "Ramsi Woodcock v UK" include "expenses to McGuire Woods of $62,703.00," and Sturgill Turner's September 1, 2026 invoice for that matter lists an outstanding invoice of $62,703.80 dated August 24, 2026. Ex. 77 at 1–2; Ex. 78 at 3, 5. The University has thus paid or been billed more than $250,000 for the work of an investigator it calls "independent," DN 26-4 ¶ 5 (PageID 1445), without competitive selection, review by the General Assembly's committee, or the Governor's approval, and through the law firm that defends its officials against Woodcock.

75. Duff testified that "[w]e/I made the ultimate judgment call . . . . But I didn't act alone. It was my judgment. It was my authority to do so. But I did it in consultation with very experienced people throughout the university and administrators." DN 40 at 184:9–14 (PageID 1985). Duff knew before Capilouto's announcement that "[s]ome communication about this would be coming." *Id.* at 177:5–7 (PageID 1978). Asked whether he had communicated with Capilouto

about the announcement, Duff declined to answer because "there was an attorney present in conversations I may have had." *Id.* at 177:8–14 (PageID 1978).

76. The decision to investigate Woodcock was made at the highest levels of the University's administration. Duff testified that the decision "was part of a collaborative process," that he "assume[d]" the decision belonged to "counsel for the president, for the university . . . and others who were involved in the deliberations," and that, besides Duff, "there was the counsel's office of the university, and then the provost and president. I mean, the whole infrastructure of the administration of the university." DN 40 at 186:1, 186:16–19, 188:11–15 (PageID 1987, 1989). Asked whether the decision to investigate was "a decision taken at the highest level of the university," Duff answered, "Yes." *Id.* at 188:16–18 (PageID 1989). Duff was "in agreement with the decision to pick an independent investigator." *Id.* at 187:4–8 (PageID 1988). No University regulation then in force provided for an investigation by an outside firm. AR 6:1 made the OEO "the University office charged with handling reports of discrimination." DN 42-2 (PageID 2094–2096) § V.A. The first regulation to contemplate an investigation by "external entities or individuals retained by the institution" is AR — Due Process (Interim), adopted in the weeks after Woodcock's complaints of September 2025. DN 19-3 at PageID 522–523 (§ I.C).

77. Duff testified that the ban was partly "for his own benefit" and for "his own safety," although Duff had never heard Woodcock say anything critical of Israel inside the law building and, before banning him, had seen no evidence that Woodcock had. DN 40 at 169:17–25, 172:9–11, 175:4–6, 176:3–6 (PageID 1970, 1973, 1976, 1977). Duff saw nothing untrue in Capilouto's announcement, because "it is impossible to eliminate the state of Israel without destroying a people," although Duff had not read Woodcock's analysis of what the end of Israel would involve. *Id.* at 189:8–24 (PageID 1990). Thro later asserted that, "[a]s he has no teaching assignments, there is no reason for him to be present in the law school building." DN 19-4 at PageID 1066.

78. The OEO, which by Mudd's account "investigate[s] the complaints for the whole university," had no part in these decisions. DN 40 at 144:11–14 (PageID 1945). Mudd testified that she did not know how the outside investigator came to be hired, that she learned of the complaints from "I think, general counsel," that she did not know who decided to remove Woodcock from the classroom and the building, and that "I have had no conversations with President Capilouto about this or any other investigation." *Id.* at 145:7–9, 146:9–10, 152:21–153:4 (PageID 1946, 1947, 1953–54). On information and belief, Capilouto, DiPaola, Thro, and Duff together decided to suspend, ban, and investigate Woodcock, rather than the office that the University's regulations charge with investigating complaints of discrimination and harassment.

79. No complaint about Woodcock had come from any University student or faculty member. DN 65-1 ¶¶ 8–10 (PageID 2341–42). Duff testified that the complaints he received came from "individuals and professors who had attended the seminars" and from "other individuals and outside interests who are concerned about the University of Kentucky," and that he did not recall any of them coming from University faculty or students. DN 40 at 179:11–19, 181:15–23 (PageID 1980, 1982). Mudd agreed that it was "fair to say" that none of the complainants were students. *Id.* at 146:25–147:1 (PageID 1947–48). No Defendant consulted the law school's Promotion and Tenure Committee or the law faculty before Woodcock was suspended, banned, and investigated. DN 19-12 ¶ 3. No Defendant determined, or had any basis to determine, that Woodcock's presence on campus threatened harm to anyone. No Defendant sought Woodcock's account of his speech before acting. The first questions about Woodcock's speech came from Thompson on December 1, 2025, 136 days after the suspension, as alleged in Part M. DN 26-7.

80. On July 22, 2025, Thompson issued the first notice. DN 19-15 at PageID 1558–1561. The notice did not allege that Woodcock had created a hostile environment. The notice stated that the University had "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." *Id.* at PageID 1558. None of the four professors teaches at the University, and none is a member of the University community. Under the University's own policy, "those who are not members of the University Community may not serve as Complainants in a resolution process." Ex. 9 at 7. Every allegation concerned Woodcock's speech about Israel and Palestine at academic conferences, in AALS online discussion groups, and in his petition. *Id.* at PageID 1558–1559. The notice cited University policies, including AR 10:1's prohibition on "sending unsolicited mass mailings or 'spamming'" and AR 6:1, which the notice stated "incorporates" the IHRA definition, as alleged in Parts C and D. *Id.* at PageID 1558–1560. The notice directed Woodcock that "[i]f you are doing anything that might violate University policy, you should stop immediately." *Id.* at PageID 1559.

81. The conference remarks cited in the notices were made at events that other institutions hosted. Woodcock spoke on February 23, 2024 at the George Mason Law Review's Twenty-Seventh Annual Antitrust Symposium at the invitation of the law review. Ex. 38 at 1. George Mason undertook to pay Woodcock's airfare, ground transportation, and hotel. *Id.* at 3; Ex. 39 at 1. No one at the University approved the invitation, weighed in on what Woodcock would say, or required him to report the invitation in advance, none of which is the custom at the law school or, to Woodcock's knowledge, anywhere else. DN 40 at 33:1–19 (PageID 1834). For the May 2025 conference at the Chinese University of Hong Kong, where Woodcock presented a paper the organizers had "accepted for presentation," Ex. 40, Woodcock bought his own airfare and never sought reimbursement.

82. At the start of his time to speak on the George Mason panel, which addressed antitrust and privacy, Woodcock stated, in about thirty seconds, that "[o]ur government is currently committing genocide in Palestine through the colony we maintain called Israel. We have killed

30,000 people so far and nearly 15,000 children, and that must stop." DN 36 ¶ 75 (PageID 1640); DN 40 at 34:16–20, 35:12–36:2 (PageID 1835–37). Woodcock then answered the moderator's questions on antitrust and privacy for about an hour, including a question from a federal appellate judge on law and economics. DN 40 at 36:11–37:3 (PageID 1837–38). Woodcock did not see anyone walk out. *Id.* at 78:16–18 (PageID 1879). George Mason posted a video of the panel online, where the video drew no reaction for more than a year. *Id.* at 35:22–36:10 (PageID 1836–37).

83. At the Chinese University of Hong Kong, Woodcock prefaced his paper with a statement of his opposition to colonization and genocide in Palestine substantially the same in content and length as his statement at George Mason. DN 40 at 37:9–38:7 (PageID 1838–39). Toward the end of the question period, an audience member stood up, shouting, and attacked Woodcock personally, calling him a terrorist or the equivalent. Woodcock responded on the substance, stating that the responsibility to protect requires nations to take military action to stop a genocide and that "Israel is a colonization project that practices apartheid and is committing genocide." *Id.* at 38:8–24, 39:8–13, 80:5–14 (PageID 1839–40, 1881). Contrary to the allegations in the notice of investigation the University later issued, Woodcock did not chant "apartheid, apartheid, apartheid," and no one took his microphone. *Id.* at 80:15–22 (PageID 1881). The panel ended without further incident. *Id.* at 38:25–39:5 (PageID 1839–40).

84. At neither conference did Woodcock state that he spoke for the University. As is customary, Woodcock's affiliation appeared only where the organizers listed the affiliation, in the program or on a name tag. DN 40 at 33:20–34:9, 78:5–10 (PageID 1834–35, 1879). Academics understand that faculty whose affiliations are listed at conferences do not speak for their universities. DN 19-7 ¶¶ 2–3; DN 19-8 ¶¶ 10–11. The University "does not exercise control over what faculty members say at conferences." DN 19-8 ¶ 10. Both events took place off campus, without disrupting any class, office, or operation of the University. Woodcock interrupted no presenter at either

conference; he made his prefatory remarks in his own speaking time. Brief political remarks before a presentation, such as "land acknowledgments" of settler-colonial relationships, are common at academic conferences. DN 19-7 ¶ 3; DN 19-8 ¶ 11. The first notice itself disclaims investigating any "speech expressed in your personal capacity." DN 19-15 at PageID 1559. Yet Duff testified that the investigation concerns whether taxpayers are funding Woodcock's "personal viewpoints that they take around the country or around the world," that the remarks reflected "[h]is personal and political views," and that "[t]hese are political statements." DN 40 at 194:2–16 (PageID 1995).

85. On August 25, 2025, Thompson described an ad hoc process for the investigation that departs from the University's written procedures. DN 19-15 at PageID 1569–1571. Thompson describes her report as "an attorney-client privileged report to the University of Kentucky's General Counsel," Thro. *Id.* at PageID 1570. Capilouto, not the OEO Executive Director, is then to decide whether formal disciplinary procedures are appropriate, as alleged in Part P. *Id.* at PageID 1570–1571; DN 37 at 34 & n.12 (PageID 1791). Under the written procedures, the OEO Executive Director makes that decision. Ex. 9 at § IV.B.6.

86. Thompson tied her timetable to receipt of Woodcock's University-issued laptop, DN 19-15 at PageID 1569, which Woodcock had not used since about 2020 and which held private recordings of his dying mother. DN 40 at 52:25–53:3, 98:15–99:16 (PageID 1853–54, 1899–1900). Duff's July 18 letter said that IT would copy the laptop and then return it. DN 19-3 at PageID 493. On August 15 and 20, 2025, Woodcock's counsel asserted his right to privacy in the personal files and noted that the only technology-related allegation, "spamming," could be investigated through the University's email servers. DN 26-6 at 2–3 (PageID 1480–81). On August 25, three days after Woodcock reported discrimination (as alleged in Part I), Thro reversed course. Thro wrote that the University "will not be returning" the laptop, barred Woodcock from incidental personal use of its replacement, which AR 10:1 calls "an accepted and appropriate benefit," and asserted that

Woodcock was "hindering the University's investigation." DN 26-6 at 5–6 (PageID 1483–84); DN 19-3 at PageID 583. Woodcock delivered the laptop on September 2, 2025, the first business day after the University's counsel agreed in writing to limits on review of his personal files. DN 26-6 at 17 (PageID 1495); DN 40 at 99:21–23 (PageID 1900).

87. The demand for the laptop rested on a false premise. The officials have argued that, "to the extent he used a university owned computer to develop and spread his Petition," Woodcock spoke as an employee. DN 63 at 21 (PageID 2216). Woodcock did not write or post the petition on any University computer. Capilouto's own announcement stated that the petition "is not found or hosted on any university-based sites or applications." DN 19-3 at PageID 497. None of the reporters whose statements appear in the evidence reviews claimed that Woodcock used a University computer to write or post the petition. By August 25 the investigator had already interviewed eight witnesses. She interviewed a ninth before the delivery. After the delivery she conducted eleven more interviews, of ten more witnesses and one witness she had already interviewed, the last on November 25, 2025, twelve weeks later. None of the more than 500 items of evidence produced to Woodcock in the two evidence reviews came from the laptop; the only item concerning it is counsel's correspondence about it. The amended notice, issued six days after the delivery, rested on "reports by four students," not on anything found on the laptop. DN 19-15 at PageID 1573. Thompson had undertaken to complete fact-gathering "within 60 to 90 calendar days after the University receives Professor Woodcock's laptop." DN 19-15 at PageID 1569. Ninety days after the delivery, on December 1, 2025, she had not finished; that day she sent Woodcock forty-two written questions. Fact-gathering did not end until September 11, 2026. DN 65-3. On information and belief, the officials demanded and kept the laptop in search of a pretext to discipline Woodcock for his speech.

I. Woodcock's Report of Discrimination on August 22, 2025

88. On Friday, August 22, 2025, Woodcock and his counsel, Joe F. Childers, met by video conference with Thompson; her colleague Maricris Prendingue; Mudd; and Mark Maier of the University's Office of Legal Counsel, which Thro heads. DN 26-4; Ex. 41. When Mudd asked whether Woodcock had questions about the University's anti-retaliation regulation, Woodcock reported discrimination: "I'd like to report that I've been discriminated against based on my political viewpoints, my race, my religion, my national origin, by Ms. Thompson, by President Capilouto, and by other members of the administration." *Id.* at 00:09:26. Thompson twice acknowledged on the record that Woodcock had asked how to file his own complaint with the OEO and that Mudd would follow up. *Id.* at 00:59:08, 01:02:16.

89. On Sunday, August 24, 2025, Mudd emailed Woodcock, copying Thompson, Prendingue, and Childers, and reminded Woodcock that "Administrative Regulation 6:1 prohibits retaliation," which "occurs when an adverse action is taken against a covered individual because they engaged in a protected activity, i.e., reporting discrimination or participating in an investigation of a discrimination report." Ex. 42.

90. At the meeting Woodcock reported a threat of violence against him: a package addressed to him at the law building, delivered after Capilouto's July 18, 2025 announcement, bearing on its return address words to the effect that Woodcock was "dead meat." Ex. 41 at 00:10:50–00:13:11, 01:02:58–01:06:42; Ex. 43 at 1. Mudd relayed the threat to the University's Chief of Police, who told Woodcock only to file a police report himself. Ex. 42; Ex. 43 at 1–3. Officials who banned Woodcock from the law building in part for "his own safety," DN 40 at 172:9–11 (PageID 1973), disclosed no threat and offered no protection.

91. Woodcock's report of August 22, 2025, opposed discrimination against him because of his race and ancestry as an Arab, his religion, and his national origin, and petitioned University

officials for redress of that discrimination. Thompson's report goes to Thro. DN 19-15 at PageID 1570. On information and belief, Thompson, Mudd, and Maier conveyed Woodcock's report to Thro, who conveyed it to Capilouto, DiPaola, and Duff, each of whom was participating in decisions about the investigation and the suspension. DN 40 at 186:16–19, 188:11–15 (PageID 1987, 1989).

J. The Amended Notice of Investigation

92. On September 8, 2025, seventeen days after Woodcock reported discrimination, Thompson issued the amended notice. DN 19-15 at PageID 1573–1574. The amended notice added four new allegations, each again concerning Woodcock's speech about Israel and Palestine, and for the first time alleged that Woodcock had "created a hostile environment on the basis of race, color, or national origin." *Id.* at PageID 1573–1574.

93. Two of the new allegations accused Woodcock of "using 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 of doing so "in a manner that uses anti-Semitic tropes." DN 19-15 at PageID 1573–1574. The amended notice identified no statement of Woodcock's that called for genocide or used an antisemitic trope. Woodcock has never called for the genocide, extermination, or destruction of Jewish or Israeli people. Nothing the University has produced to Woodcock, in either evidence review or anywhere else, shows that Woodcock has called for a second Holocaust or for the extermination of Jewish or Israeli people. No witness statement produced to Woodcock quotes him calling for the genocide of anyone; the statements that attribute such views to him describe his words rather than quote them. DN 65-1 ¶ 10 (PageID 2342). The only reference to an antisemitic trope in the evidence produced to

Woodcock is one student's recollection of a repost referring to "Zionists" controlling the media, which the student could not find.

94. Another new allegation was that 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." DN 19-15 at PageID 1574. Near the end of the day the students had won, Woodcock called out "Free Palestine" through the car window to two men crossing a street in downtown Cincinnati who were wearing keffiyehs. DN 40 at 46:22–48:5 (PageID 1847–49); DN 19-11 ¶¶ 4, 6 (PageID 1257–58). Woodcock addressed the words to the two men, not to the students. None of the students in the car complained to the University. DN 65-1 ¶ 8 (PageID 2341–42). The only student who reported the remark was not in the car and heard about it secondhand from a friend. The one student in the car who has given an account has declared that he "remember[s] thinking it was pretty cool that a professor would stand up for what he believes in and rally with causes that are important." DN 19-11 ¶ 6 (PageID 1258).

95. Another new allegation was that Woodcock had made "anti-Semitic and anti-Israeli remarks during an optional lecture, described as an optional educational program with guest lecturers," including the remark "that Professor Woodcock does not need to invite or include any speakers or guest lecturers with a pro-Israeli viewpoint because such speakers are pro-genocide." DN 19-15 at PageID 1574. On information and belief, the allegation refers to Woodcock's question at the committee's November 13, 2024 discussion of campus free speech, described in Part F. Woodcock said nothing of the kind. He asked the speaker a single question about Palestine. Ex. 44 at 1–2; DN 63-6 at PageID 2281–82. After describing the students' suppressed email, Woodcock said: "I was told that there had been some very high level working group that had been convened. And the working group had decided that specifically with respect to Palestine, there could be no

discussion that wasn't both sides in nature. . . . Because I had said, maybe we should support these students by bringing somebody in to talk, let's bring a genocide expert in to talk about what's going on. And the word was, yep, you can do that. But if you bring in somebody who's like anti-genocide, you have to bring in someone who's pro-genocide. I mean, that's basically what I was told. So, where does that stand in terms of First Amendment protection . . . ?" Ex. 44 at 2 (verbal fillers omitted); DN 63-6 at PageID 2282. The speaker called the requirement "a whole lot of hooey." Ex. 44 at 2.

96. Woodcock did not say that he need not invite speakers with a pro-Israel viewpoint, did not describe any such speaker as "pro-genocide," and said nothing about Israelis or Jews. The words "pro-genocide" were Woodcock's account of what he had been told. The investigator received the recording on October 9, 2025. On information and belief, Woodcock is being investigated for asking whether an unwritten University restriction on speech about Palestine was constitutional.

97. After Woodcock invoked the protection of the laws against race, religion, and national-origin discrimination on August 22, the amended notice turned the same laws against him, invoking Title VII of the Civil Rights Act of 1964. DN 19-15 at PageID 1573. On information and belief, the student reports on which the amended notice relies were generated by Capilouto's July 18, 2025 announcement and by the launching, publicizing, and solicitation of participation in the investigation that followed. No member of the University community reported Woodcock's speech before Woodcock was suspended and investigated.

98. The amended notice extended the grounds for, and the duration of, Woodcock's suspension. On October 30, 2025, Thro confirmed that "[t]he basis for the continuation of his 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 [be] an additional basis for the reassignment as well." DN 19-4 at PageID 1085.

K. Woodcock's Petition to the Board of Trustees

99. On the night of September 5, 2025, Woodcock submitted through the Board of Trustees' website a Petition to Address the Board of Trustees. Ex. 24. Woodcock stated the topic on which he wished to speak as "[w]hether UK's investigation into Professor Woodcock's speech violates the First Amendment and academic freedom and should consequently be terminated, and whether, in choosing to initiate the investigation, President Capilouto has failed in his duty to uphold the constitution and academic freedom and consequently should be terminated by the Board of Trustees." *Id.*

100. The investigation was already public through Capilouto's campus-wide announcement and press reports. Woodcock directed the petition to the Board, the body with authority over the President. Under Governing Regulation I.A.3, as the Board minutes quote it, "[i]n exercising administrative authority, the President is accountable to the Board. The Board may remove the President at any time in accordance with the President's contract." Ex. 23 at 4.

101. On September 8, 2025, Katie Hardwick, who signs her emails as "Liaison, Board of Trustees," of the University of Kentucky "Office of the President," emailed Woodcock a memorandum from Board Chair E. Britt Brockman. Ex. 25 at 1. Brockman wrote that "the Board Chair shall determine if the subject matter of the petition is relevant to a pending or future agenda item, or essential information necessary for the Board to fulfill its statutory responsibilities," and that "[a]s this topic is not relevant to our Board agenda, I have forwarded your petition to the Provost." Ex. 26 at 1.

102. The Board Chair sent a petition seeking review of Capilouto's conduct toward Woodcock, and Capilouto's removal, to DiPaola, the Provost, who serves under Capilouto and who took part in the conduct the petition challenged, as alleged in Part H. Under AR 1:1, "[a]ll administrative officers, including but not limited to the Provost, . . . are subject to the supervision and direction of the President." Ex. 1 at 1.

103. On September 9, 2025, Woodcock wrote to Brockman, through Hardwick, that the rule Brockman had cited "requires that the Board of Trustees hear my petition this week," because a petition "regarding a First Amendment violation by President Capilouto that warrants his dismissal by the Board is essential information necessary for the Board to fulfill its statutory responsibilities." Ex. 27 at 1. Woodcock cited the Board's statutory duty to hold officers accountable and the University's rules on academic freedom and viewpoint neutrality. *Id.* at 1–2. Woodcock wrote that the petition was also relevant to a pending agenda item on institutional neutrality. *Id.* at 2.

104. That morning, Hardwick replied: "Chair Brockman has asked me to reply to you that he stands by his original letter and that his decision is final." Ex. 25 at 3–4.

105. On September 12, 2025, the Board met in regular session. Thro, as Assistant Secretary, called the roll. Ex. 23 at 1. Brockman reported "that there were two petitions to address the Board since their last meeting, but the subject matter was not related to the Board's agenda, and the petitions were denied and sent to the appropriate departments for follow up." *Id.* Capilouto then presented, and the Board approved, a recommendation to adopt a policy of institutional neutrality "as prescribed in House Bill 4," which "[p]rohibits discrimination on the basis of an individual's political or social viewpoint." *Id.* at 3–5. The Board did not hear Woodcock.

106. On information and belief, Capilouto learned of Woodcock's petition by early September 2025. The Board liaison who transmitted the Chair's decision works in the Office of the

President, to which the Board's petition form directs hard-copy petitions. Ex. 24. Thro was present at the September 12 meeting when the Chair reported the denial of the petitions.

L. The Formal Complaint of September 11, 2025

107. On September 10, 2025, when Woodcock asked Duff to lift the suspension, Duff replied: "better to have your counsel contact UK's General Counsel Bill Thro with these questions[.]" DN 36 ¶ 65 (PageID 1637).

108. On September 11, 2025, Woodcock's counsel, Rima Kapitan, sent Thro a letter demanding that the suspension and the investigation end. DN 19-4 at PageID 1056–1064. Under the heading "Violation of the Civil Rights Acts of 1964 and 1866," the letter explained that Woodcock is of Algerian national origin and belongs to the same national origin group as Palestinians, that his advocacy for Palestinian national rights is protected against national-origin discrimination, and that he is protected against associational discrimination for his solidarity with Palestinians. *Id.* at PageID 1061. The letter stated that the reasons given for the suspension were pretextual and that "there are examples of faculty using University listservs and other resources to engage in academic or political speech without being suspended from their positions." *Id.* The letter stated: "[p]lease consider this a formal complaint of discrimination by Prof. Woodcock and a request for investigation by the Office of Equal Opportunity." *Id.* at PageID 1062. Under the heading "Request for Protection of Due Process Rights," the letter stated that faculty facing termination or prolonged suspension "are entitled to notice of the specific allegations and evidence against them and a hearing before a 'neutral and detached' decisionmaker," asked for specific notice of the allegations, and asked for "a neutral and detached decision maker" because Capilouto "has clearly prejudged the case." *Id.* at PageID 1056–1057.

109. In September 2025, Susan Deniker of Steptoe & Johnson PLLC was engaged to investigate the allegations of discrimination in the letter, "in order to avoid any potential conflict of interest created by the Office of Equal Opportunity conducting the investigation." Ex. 45 at 1. On information and belief, Thro selected and retained Deniker with Capilouto's approval. Woodcock offered, through counsel, to answer any questions Deniker had in writing. Deniker refused to send written questions and insisted on an in-person interview, which Woodcock declined. Ex. 46; Ex. 45 at 1. On October 12, 2025, after Deniker had reported to Thro about Woodcock's request for written questions, Thro wrote: "Professor Woodcock does not get to dictate how the University investigates his allegations." DN 19-4 at PageID 1080–1083.

110. On September 19, 2025, Thro responded to the September 11 letter. DN 19-4 at PageID 1066–1068. Thro rejected Woodcock's demand to end the investigation, and accused Woodcock of having "refused to cooperate with the investigation." *Id.* at PageID 1067. Thro wrote that "[t]he investigation may well conclude that Professor Woodcock did not violate any law or policy." *Id.* at PageID 1066. When Kapitan asked whether any student had complained before Woodcock was suspended and the investigation was launched, Thro refused to answer. DN 19-4 at PageID 1080–1083.

111. On October 30, 2025, Thro informed Kapitan that Woodcock's suspension would continue into the Spring 2026 semester and that "there is no right to teach in general or to teach a particular class." DN 19-4 at PageID 1085.

M. This Lawsuit, the Appeal, and the Continued Suspension

112. On November 13, 2025, Woodcock sued the University, Capilouto, DiPaola, Thro, and Duff in this Court. DN 1. On December 1, 2025, eighteen days later, Thompson sent Woodcock forty-two written questions about his speech, due December 15, 2025. DN 26-7. The

questions went well beyond what Woodcock had said or done, to whom, and with what effect. They tested his viewpoint, asking whether it was his "interpretation that anyone who is pro-Israeli is pro-genocide." DN 63-6 at PageID 2282. They listed his complaint in this action among the materials the investigator had received, quoted it back to him, and demanded that he reconcile his conduct with it. *Id.* at PageID 2276, 2283. The questions came 136 days after the suspension, too late to give Woodcock any chance to respond before the suspension. The questions also demanded that Woodcock justify speech the First Amendment protects. When Woodcock's counsel asked that the deadline be extended until the Court ruled on his motion for a preliminary injunction, Thompson agreed. DN 65-2 at PageID 2362–2363.

113. Woodcock moved for a preliminary injunction on December 12, 2025. DN 19. On December 19, 2025, the Court held a full-day evidentiary hearing at which Woodcock, Duff, and Mudd testified. DN 40. On January 8, 2026, the Court abstained and denied the motion. DN 37. On August 24, 2026, the United States Court of Appeals for the Sixth Circuit reversed and remanded "for consideration of Woodcock's motion for a preliminary injunction and further proceedings consistent with this opinion." 6th Cir. No. 26-5057, Doc. 99-2 at 5; DN 65-4 at 8 (PageID 2393). On October 7, 2026, the Court dismissed the University as a party. DN 73.

114. On February 11, 2026, Woodcock told the Sixth Circuit that he was afraid to submit an article titled "A Law and Economic Argument for Ending Israel" to law reviews because the University might use the submission as the basis for a further notice of investigation or as a pretext for terminating his employment. 6th Cir. No. 26-5057, Doc. 27-2 ¶ 13. The next day, Capilouto, DiPaola, Thro, and Duff, together with the University, answered that if Woodcock wrote the article "as a university faculty member, using university resources, and claiming credit for the work in his faculty evaluation, the manuscript is less likely to enjoy constitutional protection"; that "if his manuscript constitutes harassment as defined by the Supreme Court . . . it is not constitutionally

protected"; and that "a prominent law professor has suggested Woodcock's call for the military destruction of Israel is professionally incompetent." 6th Cir. No. 26-5057, Doc. 29 at 5–7 & n.10. Given in answer to Woodcock's stated fear of discipline, those statements warned Woodcock that the officials would treat the article as unprotected and could discipline him for it. Research is a component of every faculty member's workload and performance evaluation. DN 1-4 at PageID 75–79. Since July 1, 2026, the University may remove a professor, "regardless of status," for "[f]ailure to meet college or university performance and productivity requirements," KRS 164.230(1)(d), (5)(d). The officials told Woodcock, in effect, that he could pursue his research on Palestine safely only by not counting the research as part of his job. Woodcock did not submit the article.

115. Duff and Thro took Woodcock's named professorship because of his speech about Israel. Until July 1, 2026, Woodcock held the Wyatt, Tarrant & Combs Professorship of Law. Beginning in fall 2025, after Capilouto's July 18, 2025 announcement, the law firm that endowed the professorship asked the law school to disassociate the professorship from Woodcock because of "reports of allegations involving Professor Woodcock's campaign for the destruction and elimination of Israel." 6th Cir. No. 26-5057, Doc. 56 at 66. On April 17, 2026, while Woodcock was suing Duff and Thro individually, Duff confirmed in a letter to the firm, copying Thro, that the law school would change "the recipient of the endowed professorship" when it "normally appoints the endowed professorships in June." *Id.* The University Defendants have since told this Court that "because of Woodcock's antisemitic views, the law firm . . . expressed a desire not to be associated with him," that "[t]he University accommodated that request," and that "Woodcock was appointed to a different endowed professorship at the same salary." DN 63 at 3 n.10 (PageID 2198). The University Defendants have thus publicly labeled Woodcock's speech "antisemitic" before any finding in the investigation. In May 2026, while Woodcock was suing him, Duff recused himself

from reviewing Woodcock's 2026 summer research grant application. The University designated an alternate reviewer. Ex. 52 at 1. Duff did not recuse himself from the professorship decision. 6th Cir. No. 26-5057, Doc. 56 at 66.

116. The professorship carried a salary supplement, paid as a monthly stipend in an amount that depends on the endowment's income. Ex. 47 at 1. The law school's practice has been to reappoint holders to the professorships they hold. On June 24, 2024, Dean Davis wrote to the holders of professorships, Woodcock among them, "I am appointing each of you to another term in the professorship which you currently hold at the same annual stipend amount." Ex. 48. On June 26, 2026, Duff appointed Woodcock to a different named professorship, the Edward H. Metcalf Jr. Professorship of Law. Ex. 49. The stipend was not reduced. Woodcock alleges that Duff and Thro took from him the named professorship he held, and the public association with the firm that endowed it, because of his speech.

117. On July 20, 2026, Woodcock sued the University, Capilouto, DiPaola, Thro, and Duff in state court, alleging discrimination and retaliation under the Kentucky Civil Rights Act. Counsel for those defendants agreed to accept service on behalf of all of them as of July 23, 2026. Each of Capilouto, DiPaola, Thro, and Duff therefore knew no later than July 23, 2026, that Woodcock had sued them for discrimination.

118. On July 22, 2026, two days after Van Tatenhove became Dean, Woodcock wrote to Van Tatenhove asking him to end the suspension and the ban, to restore Woodcock's fall courses and customary distribution of effort, and to restore his access to faculty meetings and committee service. Ex. 53. Woodcock asked Van Tatenhove to "issue a public apology on behalf of the law school for my reassignment and ban." *Id.* at 2. Woodcock told Van Tatenhove that "you have discretion to reverse both the reassignment and the ban," *id.* at 2, and that "I am an Arab American, an Algerian American, and a Muslim. . . . My reassignment was motivated by animus directed at my

race, religion, and national origin." *Id.* at 6. Woodcock identified faculty whom the University had not investigated or suspended because, "in contrast to me, they are perceived as having European descent or national origin, or as belonging to the Christian or Jewish faiths." *Id.* at 6–7. Van Tatenhove received the letter.

119. Van Tatenhove did not respond by the July 25, 2026 date Woodcock requested. On the afternoon of Saturday, August 22, 2026, two days before fall classes began, Van Tatenhove emailed Woodcock a letter dated August 21, 2026, copying Thro. DN 65-6 at 1–2 (PageID 2398–99). Van Tatenhove wrote that Duff's reassignment "was made for the duration of the investigation," and that "[f]or the reasons previously stated, a review of your status will not be conducted until the investigation is complete. When this occurs, I will consult with OEO, HR and the Provost's office as to next steps." *Id.* at 2 (PageID 2399). The only reason stated when the suspension was imposed was Duff's statement that he acted "to protect both you and the University." DN 19-3 at PageID 493.

120. Van Tatenhove had the authority to end the suspension. Thro has asserted that "[t]he Dean has absolute authority to determine the assignments of a faculty member." DN 19-4 at PageID 1066. Duff testified that removing a professor from the classroom is the Dean's "judgment call." DN 40 at 182:8–11 (PageID 1983). The University Defendants have told this Court that "[t]he Dean of a College has discretion to determine who will teach and what they will teach" and that, if the investigation finds Woodcock's speech protected, "the Dean of the law school likely will return him to teaching duties." DN 63 at 6 & n.33 (PageID 2201). Van Tatenhove later exercised the same authority to lift the building ban. DN 65-8 at 2 (PageID 2405). The decision of August 21, 2026 was therefore Van Tatenhove's own decision to continue the suspension, made with knowledge of Woodcock's written complaint of race, religious, and national-origin discrimination.

121. On August 25, 2026, the day after the Sixth Circuit's decision, Thompson, copying Thro and Mudd, demanded Woodcock's answers to her written questions by September 8, 2026, and wrote that otherwise "I will conclude that Professor Woodcock does not wish to participate in this investigation." DN 65-2 at PageID 2369–2370. Woodcock asked Thompson to postpone the deadline until two weeks after this Court decided the remanded motion for a preliminary injunction. *Id.* at PageID 2366, 2368. Thompson refused. *Id.* at PageID 2365, 2367. On September 9, 2026, Woodcock submitted answers under protest, stating that they "do not constitute acknowledgment of the lawfulness of the investigation or the relevance of the questions." Ex. 54 at 1.

122. The review of Woodcock's September 2025 discrimination complaint was closed six weeks after his Kentucky Civil Rights Act suit. On September 1, 2026, Deniker wrote to Woodcock's counsel that the investigation of the discrimination complaint in counsel's September 11, 2025 letter (alleged in Part L) "has been completed" and that the allegations "could not be substantiated." Ex. 45 at 1. Deniker described the complaint as alleging violations of "the Civil Rights Acts of 1964 and 1866" because of Woodcock's "advocacy for and alleged association with Palestinians as a national-origin group." *Id.* The review did not address Woodcock's August 22, 2025 report that he had been discriminated against because of his own race, religion, and national origin (alleged in Part I), and did not address retaliation. *Id.* The review relied on "speech investigation data provided by the University" covering "June 1, 2023 to May 21, 2026," which has never been disclosed to Woodcock. *Id.*

N. The Investigation's Final Stage (September 10 Through October 31, 2026)

123. On September 10, 2026, Woodcock filed a verified complaint in Franklin Circuit Court naming Van Tatenhove as a defendant. The next day, Thompson wrote, copying Thro and Mudd, that she had "concluded the Fact-Gathering Stage of the investigation" and that the "First

Evidence Review commences today" and would last through September 25, 2026. DN 65-3 at PageID 2376.

124. On September 24, 2026, the Franklin Circuit Court directed the defendants there to notify that court when the outside investigative report is complete and to give Woodcock ten days' notice before taking further disciplinary action based on the investigation or the report. DN 69-1 at 2444. The court also asked the defendants to "reconsider their previous action banning Plaintiff from the College of Law," noting that "the record contains no evidence of any conduct on Plaintiff's part that justifies his being trespassed from the campus of the College of Law." DN 65-5 at PageID 2396.

125. On September 25, 2026, the University Defendants told this Court that "[t]he Investigation is in its final stages" and that "[t]he Investigator anticipates submitting a final report by November 2, 2026." DN 63 at 7 n.36 (PageID 2202).

126. On September 28, 2026, Van Tatenhove wrote to Woodcock, copying Thro, that "[a]fter further consideration, consultation with counsel, and consultation with the Executive Committee of the faculty and the two Associate Deans that hold faculty appointments, I have decided to restore your access to the law building and your office." DN 65-8 at 2 (PageID 2405). Van Tatenhove added that "[t]his decision does not change your temporary administrative assignment," which "will not be reviewed until the investigation is complete," and that "your Distribution of Effort will continue to be 100% professional development." *Id.* The building ban lasted from July 18, 2025, to September 28, 2026. Van Tatenhove lifted the ban only after the Franklin Circuit Court observed that nothing in the record justified it. No University Defendant has disavowed authority to reimpose the ban.

127. On October 12, 2026, Woodcock asked Van Tatenhove whether the "temporary administrative assignment" barred him from attending faculty meetings and voting, taking part in

faculty hiring, serving on committees, attending faculty workshops, supervising staff or students, advising student organizations, and meeting with students or holding office hours. Ex. 55 at 1. On October 13, 2026, Van Tatenhove replied that Woodcock's restored access included "attending faculty meetings and voting as appropriate," but that "other than restoring your access, there has been no further review of the limitations outlined in Dean Duff's letter of July 18, 2025." *Id.* at 1–2.

128. The investigator cut off witness answers to finish quickly. In October 2026, copying Thro and Mudd, she refused one witness more time to answer Woodcock's follow-up questions because "[t]he courts have made it clear" the investigation must end quickly, although no court has said so, and withdrew a second witness's extension, leaving Woodcock's questions to that witness unanswered. DN 77 at 1–2 (PageID 2610–11).

129. On October 20, 2026, Thompson wrote, copying Thro and Mudd, that "[t]he Second Evidence Review commences today and will last for 7 calendar days or through October 27, 2026," and that "Professor Woodcock's final written response is due on or before October 27, 2026." DN 76-1 at 1 (PageID 2608). Woodcock submitted a final written response on October 29, 2026. Under Thompson's process, her report and Capilouto's letter of findings come next, as alleged in Part P. DN 19-15 at 17 (PageID 1570).

130. The University's own records now call Woodcock's "reassignment" leave. On October 22, 2026, the law school's Associate Dean signed Woodcock's 2026–27 distribution of effort, which assigns 100 percent of his effort to "Other Approved Leave," described as "Administrative Leave." Ex. 37 at 12, 16. On October 29, 2026, the Associate Dean signed a revised 2025–26 distribution of effort, bearing the same version number as the agreement Woodcock had signed in October 2025, that likewise records 100 percent "Administrative Leave." Ex. 37 at 6, 10.

131. As of October 31, 2026, no one had told Woodcock that the investigator had submitted her report. Capilouto had issued no letter of findings. Woodcock remains suspended

from all teaching and research and, apart from attending and voting at faculty meetings, from all service. He has been removed from teaching for the Fall 2025, Spring 2026, and Fall 2026 semesters. DN 40 at 55:3–6 (PageID 1856); DN 70-2 at PageID 2483–2484, 2486–2487. The law school's Fall 2026 course list, updated August 19, 2026, still listed Woodcock's Antitrust and Secured Transactions courses as "Pending." DN 70-2 at PageID 2483–2484, 2486–2487. Neither course was offered. The draft Spring 2027 course list, circulated on October 21, 2026, assigns Woodcock no course, gives Antitrust, Secured Transactions, Contracts, and Business Associations to other instructors, and omits his International Law Seminar. DN 77 at 3 (PageID 2612). If the draft stands, Woodcock will be out of the classroom for a fourth consecutive semester.

O. Comparators and Religious Nationalisms

132. University faculty and officials regularly support wars against states, including wars to end states, and use University resources to do so, without investigation or suspension. On March 1, 2022, Capilouto announced that "[w]e stand in solidarity with the people of Ukraine" and that the University would point people "to resources where they can provide support to Ukrainians." The University lit its buildings in Ukraine's colors and posted the statement on its official X account with "[a] list of ways to donate and support the citizens of Ukraine." Ex. 56 at 1–2; Ex. 57. Faculty in the University's Russian Studies program posted a statement on a University website condemning the invasion, with a link inviting readers to "[d]onate to support Ukraine," Ex. 58, which leads to a list that includes groups delivering aid "in cooperation with" the "General Staff of the Armed Forces of Ukraine" and a campaign named for the Javelin anti-tank missile. Ex. 60 at 1; Ex. 61 at 2; Ex. 62 at 1, 3–4. A University-branded College of Arts and Sciences webpage has linked to that list for four years, and the list sends readers to Help Save Ukraine, whose donation page links to Ukraine's official war website, which solicits donations for "the front-line defense of Ukraine." Ex. 58; Ex. 59;

Ex. 60 at 1; Ex. 63 at 2–3; Ex. 64 at 2. A January 2018 Ukrainian law makes the "liberation" of the territories governed by the Russian-backed Donetsk and Luhansk People's Republics an aim of state policy and approves the use of the Ukrainian Armed Forces to that end. Ex. 65 at 1–2; Ex. 66 at 5–6, 8, 16. On information and belief, no University official has treated any of this speech as creating a hostile environment for Russian or Orthodox members of the University community.

133. The University's Patterson School of Diplomacy and International Commerce hosts the Army War College's annual crisis negotiation exercise and runs war games in which students explore the consequences of military action, including "an Israeli attack on Iran's nuclear facilities." Ex. 67 at 1; Ex. 68 at 1; Ex. 69 at 2–3; DN 40 at 121:9–19 (PageID 1922). On information and belief, at least one faculty member in the Department of Political Science has defended Israel's conduct in Gaza in the classroom. None of these faculty has been investigated, suspended, or banned. On information and belief, none is perceived to be Arab, Algerian, or Muslim.

134. According to its organizer, attendees at a pro-Israel event in a University lecture hall in May 2025 had to show identification at the door. On May 1, 2025, a speaker whom the organizer described as "a Nova survivor and hero of the IDF" spoke in a University lecture hall at an event co-sponsored by three registered student organizations. Ex. 70 at 1. On information and belief, the University's Dean of Students opened the event and remained in attendance. The organizer posted the next day that "[a]ll were welcome, but you must show ID at the door," and that "27 Hamasnik refused to." *Id.* at 1–2. On information and belief, no University official imposed a "both sides" requirement on the event or has investigated or commented on the event or the screening of attendees.

135. No University official has applied the listserv rule invoked against Woodcock to faculty who are not Arab, Algerian, or Muslim, or who do not criticize Israel. Duff testified that it is "a universal rule" that professors "are not to use university listserv or property and resources to

espouse your personal political viewpoints." DN 40 at 192:1–9 (PageID 1993). A senior member of the law faculty sent more than 200 messages to the law faculty listserv between 2018 and 2024, many forwarding commentary on national and international politics, including items on the war in Ukraine such as a satirical item about Vladimir Putin and a report that Russian commanders were fleeing Crimea. Ex. 71 at 2–15. On information and belief, no University official investigated, suspended, reassigned, or banned this faculty member. The law faculty listserv has long carried political discussion, from statements about the Black Lives Matter movement to critiques of the University administration, without coordination with the Office of Public Relations and Marketing, and before Woodcock no faculty member had been investigated or disciplined for posting such content. DN 19-8 ¶ 7; DN 19-6 ¶¶ 2, 6; DN 19-12 ¶ 2. Faculty understand that colleagues' listserv posts are not made on behalf of the University. DN 19-6 ¶ 5.

136. University officials have treated the two sides of a single listserv debate differently, sparing the side that defended Israeli violence in Gaza and was voiced by a colleague who is not Arab or Muslim. In May 2024, after Woodcock circulated his statement on Palestine to the law faculty, an emeritus member of the law faculty who is not Arab, Algerian, or Muslim answered him on the listserv, disputed that Israel was committing genocide, and wrote that "Hamas, the governors of Gaza, not Israel, was responsible for the resulting collateral civilian deaths and injuries," and that Gaza's government "made the classic error of poking the bear." Ex. 75 at 2–3. Woodcock answered that the phrase was "a bald assertion of 'might makes right.'" Ex. 75 at 5. The emeritus member replied that those who "allow [their] non combatant children and neighbors to remain" on a battlefield have "neither right nor reason to be surprised if they become victims of that battle." Ex. 75 at 11. On information and belief, no University official has investigated or taken any action concerning the emeritus member's messages. The officials are investigating Woodcock for speech about the war in Gaza.

137. Other faculty link their University profiles to personal websites and social media without disclaimers. On July 9, 2025, the night the Vice Provost questioned the link on Woodcock's profile page to his personal website (alleged in Part G), the University profile page of Brian Frye, the Spears-Gilbert Professor of Law, listed eleven links, including links to his personal blog and his Facebook, Instagram, LinkedIn, Vimeo, Twitter, and YouTube accounts. Ex. 72 at 1. Frye's X account described him as "Dogecoin Professor of Law & Grifting @ukcollegeoflaw," tagging the College's official account. *Id.* at 3. None of the pages carried a disclaimer. *Id.* Faculty routinely identify their affiliation in publications and at conferences without disclaimers. DN 19-7 ¶ 2; DN 19-12 ¶ 2; DN 19-8 ¶¶ 6–7. On information and belief, Frye, who is not perceived to be Arab, Algerian, or Muslim, was not investigated, suspended, or banned before leaving the University in June 2026 to join the Tulane University law faculty.

138. Capilouto, DiPaola, Thro, and Duff, through counsel, have repeatedly characterized Woodcock's call for military action to stop a genocide as itself a call for the genocide of Jewish people or Israelis, without basis in his writings. DN 63 at 4 (PageID 2199); 6th Cir. No. 26-5057, Doc. 58 at 16. These characterizations exploit stereotypes of Arabs and Muslims as genocidal, bloodthirsty, and antisemitic. Those defendants would not have characterized a non-Arab, non-Muslim professor's speech this way.

139. The IHRA examples on which the officials rely, described in Part D, protect one religious nationalism from criticism. Zionism claims the land between the Jordan River and the Mediterranean Sea for adherents of Judaism. The OEO refers readers to those examples. Ex. 15. The OEO applies a special definition to antisemitism and to no other form of discrimination. *Id.*

140. Other religious nationalisms receive no such protection. Patriarch Kirill of Moscow told worshippers on September 25, 2022, that for a soldier who dies in Russia's war against Ukraine, "this sacrifice washes away all the sins that a person has committed," Peter Smith, *Moscow Patriarch:*

Russian War Dead Have Their Sins Forgiven, Associated Press (Sept. 27, 2022). In March 2024, the World Russian People's Council, which Kirill heads, declared the war a "Holy War." Brian Mefford, *Russian Orthodox Church Declares "Holy War" Against Ukraine and West*, Atlantic Council (Apr. 9, 2024). In the same May 2024 listserv exchange, the emeritus member wrote of the Indian Prime Minister's "apparent designs to cleanse India of non Hindu influences." Ex. 75 at 3. Critics routinely deny the claims of these movements to territory and power, call for an end to the projects they support, compare them to Nazism, and support war against the states that pursue them. On information and belief, no University official has ever treated such speech as harassment of Orthodox Christians or Hindus. No University rule defines anti-Orthodox or anti-Hindu bias to include such speech.

141. The officials thus protect from criticism the religious nationalism of one faith and of no other, in a dispute in which Woodcock, an Arab and a Muslim, stands with the people that this nationalism has displaced. On information and belief, no University official has investigated or disciplined any faculty member other than Woodcock for speech of the kind at issue here. No difference between Woodcock and the comparators justifies the difference in treatment. Like the comparators, Woodcock advocated military action against a state, on matters of international law and policy within his scholarly expertise, using the same kinds of fora and resources. The difference is that Woodcock is Arab, Algerian, and Muslim and that his advocacy aligned with the Arab and Muslim world.

P. The Decision-Makers and the Process Ahead

142. Capilouto holds the next decision in the investigation. Thompson's August 25, 2025 letter provides that after the Second Evidence Review she will submit her privileged report to Thro; that "the University President will issue a letter to Professor Woodcock . . . with the University's findings"; that "the letter from the University President will include any sanction for such a finding";

and that "[s]hould the University President determine that termination of a tenured appointment may be appropriate, then the University shall comply with KRS 164.230 and any applicable University regulations." DN 19-15 at 17–18 (PageID 1570–71). This Court described Capilouto's decision as "deciding whether discipline would be appropriate and whether to pursue further sanction-related proceedings." DN 37 at 34 n.12 (PageID 1791). The investigator's report is withheld from Woodcock. DN 19-15 at 17 (PageID 1570).

143. The University Defendants identify AR — Due Process (Interim) as the source of any later process. DN 63 at 7 & n.34 (PageID 2202); *id.* at 36 & nn.184–85 (PageID 2231). Capilouto issued that regulation in the fall of 2025, as alleged in Part B. AR — Due Process (Interim) requires a formal hearing before, among other things, "termination of faculty appointment before the expiration of the appointment" or "deprivation of a constitutionally protected property interest." DN 19-3 at PageID 522 (§ I.A). The regulation provides that "[e]xcept where an appeal is required by federal regulation, the decision of the University regarding whether a formal hearing is required is final." *Id.* at PageID 523 (§ I.C). The regulation assigns the hearing and appeal board for the Employee Code (Faculty) to the Provost, DiPaola. *Id.* at PageID 524 (§ II.C). Under the Due Process — Equal Dignity policy, "[a]ppropriate Office of Equal Opportunity staff will serve as hearing clerks"; "[t]he executive director of the Office of Equal Opportunity will appoint a hearing officer for each hearing," who presides, instructs the panel on legal issues, and rules on evidence; and "[t]he University will present its case through the general counsel or attorneys under the direction and control of the general counsel." DN 19-3 at PageID 481 (§§ I.A.1–2), 4 (§ I.D.1).

144. The only procedure for challenging a decision-maker reaches panel members alone. AR — Due Process (Interim) permits a party who believes "a hearing/appeals panel member has a conflict of interest" to "file a formal request for recusal" and, if the member refuses, to "submit the request to the general counsel who will make the final decision." DN 19-3 at PageID 525 (§ II.D.4).

The Due Process — Equal Dignity policy likewise provides only for "challenges to any hearing panel member." DN 19-3 at PageID 482 (§ I.C.3). Neither rule permits a respondent to challenge the President, the General Counsel, or any trustee for bias or conflict of interest. Under the regulation, Thro, whose office launched and certified the investigation and will present any case against Woodcock, makes the "final decision" on any recusal request.

145. AR — Due Process (Interim) § F governs where, as for a tenured professor, "only the Board of Trustees may terminate the employee." In that case, "instead of being final, the decision of the appellate panel is only advisory to the President. The President will evaluate all aspects of the matter to determine whether to submit a termination recommendation to the Board of Trustees." DN 19-3 at PageID 526 (§ F). "If the President, in their sole discretion, decides not to pursue termination, a lesser sanction will be imposed such as a suspension without pay, a permanent reduction in salary or other appropriate sanction." *Id.* "If the President, in their sole discretion, decides to pursue termination, the Board of Trustees will conduct the proceedings according to the Kentucky Revised Statutes." *Id.* Section F makes no exception for a panel decision in the faculty member's favor; on its terms, such a decision too is "only advisory to the President." Any sanction short of termination is therefore imposed by Capilouto in his sole discretion. No rule provides for Board review of such a sanction. A termination reaches the Board only on Capilouto's recommendation.

146. KRS 164.230 permits the Board to remove a professor only for specified causes and, for causes other than bona fide financial reasons, only after at least thirty days' written notice of the charges and an opportunity to make defense before the Board. KRS 164.230. The 2026 amendments to the statute left those requirements unchanged. This Court has described that process as "a full hearing before the Board of Trustees." DN 37 at 29 (PageID 1786). On information and belief, no

written University rule defines how the Board conducts that proceeding beyond the § F sentence quoted above. DN 19-3 at PageID 526 (§ F).

147. The Board did not act as a check on Capilouto when Woodcock asked it to, as alleged in Part K. Woodcock does not allege that the trustees are biased against him. He alleges that the Board, as the officials have structured its role, is not an independent check on Capilouto.

148. Capilouto prejudged the matter he will decide. Before any investigation, Capilouto publicly condemned the petition and the views it expressed, as alleged in Part G. In 2014, Capilouto publicly denounced the American Studies Association's academic boycott of Israel. Becca Clemons, *Capilouto Rejects Boycott of Israel*, Ky. Kernel (Jan. 16, 2014). Capilouto's interpretation of the University's rules binds the University community, as alleged in Part C. DN 19-3 (PageID 423–424) § B; Ex. 19 at § VIII. Capilouto was among the officials who decided to launch the investigation and, on information and belief, to remove Woodcock from teaching. DN 40 at 188:11–18 (PageID 1989). Capilouto thus combines the roles of public accuser, participant in the decision to investigate, authoritative interpreter of the rules applied, charging official, and, under § F, final decision-maker on any sanction short of termination and sole gatekeeper of any termination.

149. Thro has acted as accuser and would control key steps of any adjudication. Thro launched the investigation and certified it under 2025 Ky. Acts ch. 120 (HB 4), as alleged in Part H, and, on information and belief, selected the investigator. Thro receives the investigator's report and decides who else sees it. DN 19-15 at 17 (PageID 1570). Thro has defended and extended the suspension, as alleged in Parts J and L. DN 19-4 at PageID 1066–1068; DN 19-4 at PageID 1085–1087. Under the rules described above, Thro's office would present any case against Woodcock and Thro would decide any recusal dispute. Thro sits as the Board's Assistant Secretary. Thro himself has written that those who decide whether to bring charges "must not be involved in the investigation or the adjudication of guilt." William E. Thro, No Clash of Constitutional Values:

Respecting Freedom and Equality in Public University Sexual Assault Cases, 28 Regent U. L. Rev. 197, 214 (2016).

150. The officials departed from their own written structure only in Woodcock's case. Neither that structure nor the one they substituted gives Woodcock a neutral decision-maker. Under the OEO Policy, as alleged in Part B, the OEO Executive Director, not the President, decides whether there is probable cause to refer a case to a hearing. The respondent receives the final investigative report with any statement of charges. Ex. 9 at § IV.B.6; DN 19-3 at PageID 482 (§ I.C.1), 6 (§ I.E.2). The University's own outside counsel has acknowledged that the OEO had "a potential conflict of interest" concerning Woodcock's complaint of discrimination. Ex. 45 at 1. Yet that office would clerk any Equal Dignity hearing and its Executive Director would appoint the hearing officer. DN 19-3 at PageID 481 (§§ I.A.1–2).

151. The biased structure is not remote. With the Second Evidence Review closed and the report expected by November 2, 2026, Capilouto's decision is next, as alleged in Part N and above. DN 63 at 7 n.36 (PageID 2202). Woodcock is now being subjected to this course of conduct, which the officials began in July 2025 and which continues through Capilouto's findings and every step that follows from them. No University Defendant has committed to any decision-maker other than Capilouto, Thro, and the officials they appoint.

Q. Each University Defendant's Participation, Knowledge, and Motive

152. Capilouto personally participated in the challenged acts. Capilouto was among the officials who decided to launch the investigation, as alleged in Part H. DN 40 at 188:11–18 (PageID 1989). Capilouto announced Woodcock's removal the day it was imposed, in coordination with Duff, as alleged in Parts G and H. DN 19-3 at 278–79 (PageID 496–97); DN 40 at 177:5–7 (PageID 1978). Capilouto issued AR — Due Process (Interim) after Woodcock's counsel invoked the rule

that barred the suspension, as alleged in Part B. Capilouto has reserved to himself the findings, the charging decision, and the sanction. DN 19-15 at 17–18 (PageID 1570–71). The AAUP three times urged Capilouto, copying DiPaola and Duff, to reinstate Woodcock. DN 19-3 at PageID 406, 410–413; Ex. 51 at 1. Capilouto has kept the suspension in place.

153. DiPaola personally participated in the challenged acts. Duff imposed the suspension and ban "in consultation with the Provost's office." DN 19-3 at PageID 493. DiPaola was among the officials who decided to launch the investigation. DN 40 at 188:11–18 (PageID 1989). DiPaola's office first raised the concerns about Woodcock's speech with Woodcock, as alleged in Part H. The evidence disclosed in the investigation shows that complaints about Woodcock's speech reached DiPaola before July 18, 2025, and that Duff forwarded a listserv message of Woodcock's to DiPaola on July 20, 2025. DiPaola has authority to "manage the employment" of the faculty, Ex. 1 at § IV.F, and is the only official AR — Due Process (Interim) authorizes to suspend a faculty member, but has never made the threat determination that the regulation requires, as alleged in Part B. DN 19-3 at PageID 523 (§ I.D.1). DiPaola received Woodcock's petition to the Board. Ex. 26. Van Tatenhove has stated that he will consult DiPaola's office on "next steps" after the investigation. DN 65-6 at 2 (PageID 2399).

154. Thro personally participated in the challenged acts. Thro launched and certified the investigation, on information and belief selected Thompson and Deniker, receives Thompson's report, and has defended and extended the suspension, as alleged in Parts H, J, L, and P. DN 19-3 at PageID 491; DN 26-4 ¶¶ 5–6; DN 19-15 at 17 (PageID 1570); DN 19-4 at PageID 1066–1068; DN 19-4 at PageID 1085–1087; DN 19-4 at PageID 1080–1083. Thro was copied on Duff's professorship letter, Deniker's closing letter, Van Tatenhove's August 21 and September 28, 2026 letters, and each of Thompson's notices. 6th Cir. No. 26-5057, Doc. 56 at 66; Ex. 45; DN 65-6 at 2 (PageID 2399); DN 65-8 at 2 (PageID 2405); DN 65-3; DN 76-1 at 1 (PageID 2608).

155. Duff personally participated in the challenged acts. Duff imposed the suspension and ban, testifying that it was his "judgment" and his "authority," exercised in consultation with others, as alleged in Part H. DN 40 at 170:12–16 (PageID 1971), 184:9–14 (PageID 1985); DN 19-3 at PageID 493–494. Duff acted although he did not recall any of the complaints he received coming from University students or faculty, as alleged in Part H. DN 40 at 179:14–19 (PageID 1980), 181:15–23 (PageID 1982). While Woodcock was suing him, Duff confirmed the removal of the named professorship and did not recuse himself from that decision, as alleged in Part M. 6th Cir. No. 26-5057, Doc. 56 at 66; Ex. 52.

156. Van Tatenhove personally participated in the challenged acts. With knowledge of Woodcock's written complaint of discrimination, Van Tatenhove continued the suspension on August 21 and September 28, 2026, and on October 13, 2026 reported "no further review" of its remaining limitations, as alleged in Parts M and N. DN 65-6 at 2 (PageID 2399); DN 65-8 at 2 (PageID 2405); Ex. 55 at 1–2.

157. Each University Defendant was repeatedly told, orally and in writing, that his conduct violated Woodcock's rights, and persisted. Woodcock reported discrimination to the University's investigator and OEO on August 22, 2025, as alleged in Part I. Woodcock's counsel wrote to Thro on September 11 and 24, 2025. DN 19-4 at PageID 1056–1064; DN 19-4 at PageID 1074–1076. Capilouto, DiPaola, Thro, and Duff were served with this action in November 2025 and with the Amended Complaint in January 2026. Woodcock wrote to Van Tatenhove on July 22, 2026. Ex. 53.

158. The University Defendants acted with intent to punish Woodcock for his speech, his petitions, and his complaints of discrimination, and because of his race, religion, and national origin. The officials tolerated Woodcock's speech for more than a year, then suspended him, banned him, and launched the investigation without any complaint from a member of the University community.

Each later step followed one of Woodcock's protected acts. *See* Parts B, H, I, J, L, M, and N. No regulation authorized a dean to suspend a faculty member or to bar him from the law building "to protect both you and the University." DN 19-3 at PageID 522–526; Ex. 9; DN 19-3 at PageID 493–494.

159. The officials' federal-law justification is pretextual. Title VI did not require the officials to suspend Woodcock or bar him from a building while they investigated his speech. The OEO declines to investigate reports so often that, Mudd testified, it "frankly, happens all the time." DN 40 at 159:14–20 (PageID 1960). Thro himself wrote that "[t]he investigation may well conclude that Professor Woodcock did not violate any law or policy." DN 19-4 at PageID 1066.

R. Woodcock's Intended Speech, Self-Censorship, and Harm

160. Woodcock intends to continue speaking about Palestine, Israel, and Zionism as a scholar and a citizen. Woodcock intends (1) to keep his petition and his writings on his personal websites available to the public with his affiliation listed; (2) to continue posting on his personal social media accounts; (3) to continue participating in AALS online discussion groups, including from his University email account; (4) to present his scholarship at academic conferences, where he may address, including in prefatory remarks, matters of law and policy within his scholarship, including Palestine, without announcing that he does not speak for the University; (5) to circulate his writings to colleagues; (6) to submit his scholarship on Palestine to law reviews; and (7) to teach the International Law Seminar when it is again assigned to him. The rules described in Part C arguably prohibit each of these activities. The officials are already investigating Woodcock for engaging in most of them. DN 19-15 at PageID 1558–1561; DN 19-15 at PageID 1573–1574.

161. The threat that the officials will enforce these rules against Woodcock is concrete. The officials have suspended Woodcock, banned him for fourteen months, and investigated him

under these rules for fifteen months. The investigator directed him to "stop immediately" anything "that might violate University policy," as alleged in Part H. DN 19-15 at PageID 1559. Capilouto will decide on findings and sanctions. DN 19-15 at 17–18 (PageID 1570–71). When Woodcock told the Sixth Circuit that he feared discipline for submitting his article, the officials answered that the article might not be constitutionally protected. 6th Cir. No. 26-5057, Doc. 29 at 5–7 & n.10. Every University employee is a mandatory reporter, required on pain of discipline to report any incident that may constitute discrimination, so that any colleague's report can trigger a further notice of investigation. Ex. 17 at § I.E; DN 19-3 (PageID 477–479) § III.B. Thro has warned that a further notice of investigation would be "an additional basis for the reassignment." DN 19-4 at PageID 1085. The officials have told this Court that even if Woodcock's speech is not now harassment, "it may cross that line at some future date." DN 63 at 23 (PageID 2218). No University Defendant has disavowed applying these rules to Woodcock's speech.

162. Woodcock has refrained from certain forms of protected speech because of these rules and the officials' enforcement of them. After the officials' February 12, 2026 statements, alleged in Part M, Woodcock did not submit "A Law and Economic Argument for Ending Israel" to law reviews, and he has submitted no scholarship about Palestine since.

163. Woodcock's other speech about Palestine has fallen sharply. Woodcock has added no posts to the blog of the Antizionist Legal Studies Movement since 2024; fear of the officials' response, together with the distress the suspension has caused him, has kept him from resuming those posts. According to apparently reliable data on his X account, Woodcock's posts, almost all about Palestine, fell from about 2.8 per day from January 1 to July 17, 2025, to about 1.3 per day from July 18, 2025, to October 12, 2026, a decline of about 53 percent. Woodcock's posts to the AALS online discussion groups, nearly all about Palestine, fell from about 4.8 per month in the 146 days before July 18, 2025, to about 1.8 per month since, a decline of about 62 percent, with none

since March 19, 2026. Woodcock still speaks about Palestine, but less often, because he must weigh each time whether the officials will treat his words as a further basis for investigation or discipline. DN 35 ¶ 4.

164. The suspension, the ban, the investigation, the removal of the named professorship, and Capilouto's public condemnation have deprived Woodcock of the ability to teach and to take full part in faculty governance and, until September 28, 2026, of the ability to work with students and colleagues in the law building and to use his office and the law library. These actions have caused him reputational harm, harm to his professional relationships and lateral employment prospects, emotional distress, humiliation, and financial loss. These actions expose Woodcock to a risk of removal for failure to meet performance and productivity requirements, because the suspension prevents him from teaching and from performing most service. KRS 164.230(1)(d), (5)(a) (performance and productivity "shall be evaluated at least once every four (4) years"), (5)(d).

165. Capilouto's public accusation has damaged Woodcock's standing and associations in his profession and his community. After the announcement, a package addressed to Woodcock at the law building bore words to the effect that he was "dead meat," as alleged in Part I. The law firm that endowed his professorship asked not to be associated with him, as alleged in Part M. Colleagues who have written privately to express support have not replied when Woodcock suggested that they talk by phone or meet in person, and one colleague appeared so anxious when Woodcock approached her at a conference that he cut the conversation short. DN 35 ¶ 6. A former dean of the law school who had been Woodcock's professional mentor withdrew an invitation to a gathering that many law school deans would attend, explaining that he did not want to be put in the position of having to explain Woodcock's situation to them. Their professional relationship then ended. *Id.* ¶ 7. Woodcock's only antitrust reference, a senior scholar at another school, stopped responding to Woodcock's requests to confirm that he would continue to serve. *Id.* ¶ 8.

166. The accusation and the University's actions against Woodcock have also closed off other academic employment. In September 2025, after the announcement, Woodcock wrote to approximately fifty law schools seeking a lateral appointment. One school invited him to a screening interview, held by video conference on September 10, 2025. The members of its appointments committee were enthusiastic about his work but expressed concern that they would have no way to protect him if their own senior administration decided to take the actions against him that the University of Kentucky had taken. No other school invited him to interview that year. In September 2026, Woodcock applied to seventy-four law schools. As of the filing of this complaint, none has invited him to interview.

167. Since Capilouto's announcement of the suspension and investigation, Woodcock has received hate mail and threats of violence related to his views about Palestine, sent to his University and private email accounts and posted on X. DN 35 ¶ 5. Before the announcement, Woodcock had never received a threat of violence related to those views. *Id.* One message, sent to his University email address on December 8, 2025, wished that he would "die within the next few months" and that "everyone in your family dies with you." Ex. 73.

168. The suspension and investigation have chilled others at the law school. A member of the law faculty has declared that colleagues have expressed their discontent only privately, that he attributes faculty silence to fear, that "[t]here are fewer political conversations now," and that the change has "pushed [him] to start [his] own retirement process earlier than [he] had planned." DN 19-12 ¶¶ 5, 7. A law student has declared that she does "not know whether I am permitted to talk about Palestine at school." DN 19-9 ¶ 7. Another student found it "a difficult decision" to contact Woodcock after his removal because he is "fearful of retaliation." DN 19-11 ¶ 8. A third, who hopes to become a professor, "struggle[s] with figuring out how I can discuss Palestine/Israel in ways that are acceptable to academic institutions." DN 19-13 ¶ 7.

S. No Adequate Review

169. No University procedure reviews the lawfulness of the investigation, the suspension, or the removal of the named professorship while they continue. Duff imposed the suspension "for the duration of the investigation." DN 19-3 at PageID 493. Van Tatenhove has written that the reassignment "will not be reviewed until the investigation is complete." DN 65-8 at 2 (PageID 2405). The investigation continues at least until Capilouto issues his letter of findings. DN 19-15 at 17–18 (PageID 1570–71); DN 37 at 34 n.12 (PageID 1791). Capilouto's letter looks forward. It does not evaluate the lawfulness of the investigation, of the suspension, which by its terms lasts only "for the duration of the investigation," or of the ban, which ended on September 28, 2026. The OEO investigates complaints of discrimination based on protected characteristics, not retaliation for speech. Ex. 41 at 00:59:40. Complaints of violations of academic freedom end with DiPaola, whose resolution "may not be appealed." Ex. 18 at § I.D.

CLAIMS FOR RELIEF

Count I. First Amendment Retaliation for Speech (U.S. Const. amend. I; 42 U.S.C. § 1983) Against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official and Individual Capacities, and Duff in His Individual Capacity

170. Woodcock incorporates each preceding paragraph.

171. The officials named in this Count retaliated against Woodcock for protected speech. Woodcock engaged in protected speech by: (1) writing the Petition for Military Action Against Israel, keeping it on his personal website, and posting links to it in the AALS online discussion groups on July 6, 2025; (2) his remarks at the George Mason University symposium on February 23, 2024, and at the Chinese University of Hong Kong conference in May 2025; (3) his other posts to the AALS online discussion groups; (4) his messages to the law faculty listserv and his presentations

at the February 14, 2024 faculty research seminar and the August 21, 2024 faculty meeting; (5) his writings on his personal websites; and (6) the remarks identified in the amended notice of investigation, including his question whether the University's unwritten "both sides" requirement was constitutional. Parts F, G, H, and J describe this speech.

172. All of this speech addresses matters of public concern—war, genocide, colonization and freedom therefrom, international law, American foreign policy, and the limits a public university may place on speech about them. The officials' characterization of the speech as hateful or antisemitic is "irrelevant to the question whether it deals with a matter of public concern." *Rankin v. McPherson*, 483 U.S. 378, 387 (1987).

173. Woodcock did not speak pursuant to his official duties. At both conferences, Woodcock spoke as a citizen about his own country. At George Mason, Woodcock said that he wanted "to acknowledge that we are living through a very special moment in our nation's history," that "[o]ur government is currently committing genocide in Palestine through the colony we maintain called Israel," and that "that must stop." 6th Cir. No. 26-5057, Doc. 15 at 9. At Hong Kong, Woodcock made a statement substantially the same in content, as alleged in Part H. Other institutions invited and hosted Woodcock at both conferences, without University approval or review of what he would say. George Mason undertook to pay Woodcock's travel; Woodcock paid his own airfare to Hong Kong. Part H. The AALS groups are not University resources, as alleged in Part C. Every message since early July 2025 carries a footer stating that AALS's "member institutions do not endorse any opinions or products mentioned in the postings," Ex. 13 at 3. The petition disclaims institutional endorsement, as alleged in Part G. Woodcock used no University computer to write or post the petition. Part H. Woodcock asked his November 13, 2024 question from the audience. Part F. The officials themselves treat the speech as personal. The first notice of investigation disclaims investigating "speech expressed in your personal capacity," DN 19-15 at

PageID 1559; Capilouto called the views "the individual's personal views," DN 19-3 at PageID 496; and Duff testified that the remarks reflected "[h]is personal and political views," DN 40 at 194:9–16 (PageID 1995).

174. In the alternative, the speech is protected scholarship and teaching related to Woodcock's field. Woodcock's scholarship connects antitrust and Palestine; Woodcock teaches international law. His November 13, 2024 question, asked at an academic program on campus free speech, addressed the constitutionality of a University restriction on speech, a matter at the core of academic freedom. Parts C, F, and H. Capilouto, DiPaola, Thro, and Duff have conceded that academic freedom extends to conference speech within a faculty member's expertise, as alleged in Part C.

175. Woodcock's interest in speaking, and the public's interest in hearing him, outweigh any interest of the officials. The speech disrupted nothing. Both conferences took place off campus. Duff testified that, before banning Woodcock, he had seen no evidence that Woodcock had said anything critical about Israel inside the law school, as alleged in Part H. No student or faculty member complained before the officials acted, as alleged in Part Q. The officials tolerated the same views for seventeen months and promoted Woodcock on July 1, 2025. Part F. The only harm the officials have identified is that the speech "may cross that line at some future date." DN 63 at 23 (PageID 2218). There is no disruption to weigh.

176. Because of this speech, the officials named in this Count took the following adverse actions: (1) the suspension, imposed on July 18, 2025, and continuing, which reassigned Woodcock's entire distribution of effort to "100% professional development," removed him from teaching for three semesters, and barred him from supervising staff or students and advising student organizations, Parts H, M, and N; (2) the ban from the law building from July 18, 2025, to September 28, 2026, which Van Tatenhove has not disclaimed the authority to reimpose, Part N; (3)

Capilouto's public condemnation of the speech as "hate" and "repugnant," Part G; (4) the investigation itself, now in its sixteenth month; (5) the threatened charges and sanctions, including "termination of a tenured appointment," DN 19-15 at PageID 1571, Part P; (6) the directive to "stop immediately" anything "that might violate University policy," DN 19-15 at PageID 1559, and Thro's warning that a third notice of investigation would be "an additional basis for the reassignment," DN 19-4 at PageID 1085; (7) the decisions continuing the suspension, by Thro on October 30, 2025, and by Van Tatenhove on August 21 and September 28, 2026, Parts L, M, and N; (8) the removal of the Wyatt, Tarrant & Combs Professorship, effective July 1, 2026, which Capilouto, DiPaola, Thro, and Duff attribute to "Woodcock's antisemitic views," DN 63 at 3 n.10 (PageID 2198); (9) the statement of Capilouto, DiPaola, Thro, and Duff to the Sixth Circuit on February 12, 2026, through counsel including Thro, that Woodcock's article on ending Israel would be "less likely to enjoy constitutional protection" if he claimed credit for it in his faculty evaluation, 6th Cir. No. 26-5057, Doc. 29 at 5–6, Part M; and (10) the rewriting of Woodcock's signed 2025–26 distribution of effort to record 100 percent "Administrative Leave," Part H.

177. Each of these actions, and all of them together, would deter a person of ordinary firmness from continuing to speak. *Josephson v. Ganzel*, 115 F.4th 771, 788 (6th Cir. 2024). The actions in fact deterred Woodcock, as alleged in Part R.

178. Each University Defendant took part personally in these actions, as alleged in Parts H, M, N, and Q. Capilouto, DiPaola, and Thro's office decided to launch the investigation. DN 40 at 188:11–18 (PageID 1989). Thro launched and certified it. DN 19-3 at PageID 491; DN 26-4 ¶¶ 5–6. Duff imposed the suspension and ban "in consultation with the Provost's office," DN 19-3 at PageID 493, in what Duff called "a collaboration," DN 40 at 169:4–8 (PageID 1970). Capilouto announced them the same day in coordination with Duff, DN 19-3 at PageID 496–97; DN 40 at

177:5–7 (PageID 1978). Duff confirmed the removal of the professorship. Van Tatenhove continued the suspension. Both acts are alleged in Parts M and N.

179. Woodcock's speech was a substantial or motivating factor in each adverse action. Capilouto's announcement and Thro's July 18, 2025 letter identified the speech as the reason for acting. DN 19-3 at PageID 496–498; DN 19-3 at PageID 491. Every allegation in both notices of investigation concerns Woodcock's speech about Israel and Palestine. Parts H and J. The officials acted twelve days after the AALS posts, without the threat determination their own rules require, and while leaving comparable speech by others untouched. Parts B, F, H, and O. Whether the officials acted because of the petition, the conference remarks, the online posts, any other item of speech identified in the notices, or any combination of them, each was protected speech and each was a substantial or motivating factor. The officials would not have taken any of the adverse actions absent the speech.

180. The officials acted to punish Woodcock for his speech, to stop him from speaking further, and to isolate him from students and colleagues, knowing that the speech was protected. The University's own Equal Dignity regulation states that harassment "does not include expression protected by the First Amendment." DN 19-3 at PageID 477–479. Each official persisted after Woodcock told him in writing, repeatedly, that the actions violated his rights. Part Q.

181. The right the officials violated was clearly established. By 2017, "both the Supreme Court and this court had held that, absent a disruption of government operations, a public university may not retaliate against a professor for speaking on issues of social or political concern," and "a reasonable university official . . . would have understood that he could not lawfully terminate or threaten the economic livelihood of a professor because of his protected speech." *Josephson*, 115 F.4th at 789. Even if a professor's academic speech is part of his official duties, "it was clearly established that such speech is protected." *Id.* at 790. Every act challenged here occurred on or after

July 18, 2025. The suspension, the investigation, the threatened termination, and the removal of the professorship each threaten Woodcock's economic livelihood because of his protected speech.

182. Woodcock seeks damages from Capilouto, DiPaola, Thro, Duff, and Van Tatenhove in their individual capacities. Woodcock seeks prospective relief from Capilouto, DiPaola, Thro, and Van Tatenhove in their official capacities, each of whom can give part of it. Capilouto, who decides whether to bring charges and what sanction to impose, can be enjoined from bringing any charge, making any finding, or imposing any sanction based on Woodcock's protected speech. Part P. DiPaola, who "has the authority to manage the employment" of the faculty, Ex. 1, can end the reassignment and restore Woodcock's duties. Thro, who directs the investigation and receives the investigator's report, can be enjoined from continuing the investigation of protected speech and from transmitting or acting on any finding based on it. Van Tatenhove, who assigns faculty duties and lifted the ban, can restore Woodcock's teaching and customary distribution of effort, correct the rewritten records, refrain from reimposing the ban, and restore the Wyatt, Tarrant & Combs Professorship or an equivalent named professorship.

Count II. Retaliation for Petitioning and for Reporting and Opposing Discrimination (U.S. Const. amend. I; 42 U.S.C. §§ 1981, 1983)

Against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official and Individual Capacities, and Duff in His Individual Capacity

183. Woodcock incorporates each preceding paragraph.

184. The officials named in this Count retaliated against Woodcock for petitioning and for reporting and opposing discrimination. Woodcock engaged in protected activity by: (1) reporting on August 22, 2025, to the investigator, the OEO Executive Director, and a lawyer in Thro's office, that he had been "discriminated against based on my political viewpoints, my race, my religion, my national origin," Part I; (2) petitioning the Board of Trustees on September 5, 2025, to consider

whether the investigation of his speech violates the First Amendment and whether Capilouto should be terminated for initiating it, Part K; (3) lodging on September 11, 2025, through counsel, a formal complaint of discrimination invoking the Civil Rights Acts of 1964 and 1866, Part L; (4) filing this action on November 13, 2025, including a claim of race discrimination under 42 U.S.C. § 1981, and prosecuting it through the Sixth Circuit, Part M; (5) filing suit under the Kentucky Civil Rights Act on July 20, 2026, and writing to Van Tatenhove on July 22, 2026, that "[m]y reassignment was motivated by animus directed at my race, religion, and national origin," Ex. 53 at 6, Part M; and (6) filing his Verified Complaint in Franklin Circuit Court on September 10, 2026, Part N.

185. Each of Woodcock's petitions relates to a matter of public concern. The Board petition asked the governing board whether the investigation violates the First Amendment and whether the President should be removed. Part K. This action and the state actions challenge the constitutionality of University rules that govern every faculty member, of SJR 55, and of the Department of Education's conduct, and accuse the President of a public university of discriminating on the basis of race, religion, and national origin. The reports and complaints of discrimination raise the same public questions. None was part of Woodcock's job.

186. The Speech Clause independently protects Woodcock's reports and complaints of discrimination, for the reasons in the preceding paragraph.

187. Section 1981 independently protects activities (1) and (3) through (6), which opposed discrimination against Woodcock because of his race and ancestry. Woodcock's employment is contractual, as alleged in Part A. Woodcock enforces § 1981 against the officials named in this Count through 42 U.S.C. § 1983.

188. Each official named in this Count knew of the protected activity. Thro knew of the August 22 report through his office and of the September 11 complaint when he received it. Capilouto, DiPaola, and Duff knew of the report, the Board petition, and the complaint, on

information and belief, through Thro, who advised them on the investigation and suspension. The Board chair forwarded the Board petition to DiPaola on September 8, 2025. Part K. Capilouto, DiPaola, Thro, and Duff knew of this action when they appeared in it through counsel and of the KCRA action no later than July 23, 2026. Van Tatenhove received the July 22, 2026 letter and knew of the state actions. Parts I, K, L, M, and N.

189. After each protected activity, the officials took adverse actions against Woodcock: (1) on August 25, 2025, three days after the August 22 report, Thro reversed the July 18 commitment to return Woodcock's laptop and barred his incidental personal use of its replacement, Part H; (2) on September 8, 2025, seventeen days after the August 22 report and three days after the Board petition, the amended notice of investigation for the first time accused Woodcock of creating a "hostile environment" under the same civil rights laws he had invoked, Part J; (3) Thro relied on the amended notice to continue the suspension into the Spring 2026 semester, Part J; (4) within weeks after the September 11 complaint invoked the suspension rule in the Regulations Affecting Employment, that rule was deleted and Capilouto issued AR — Due Process (Interim), Part B; (5) eighteen days after Woodcock sued, the investigator sent him forty-two written questions about his speech, Part M; (6) the day after Woodcock told the Sixth Circuit that he feared discipline for his article, Capilouto, DiPaola, Thro, and Duff answered that the article might not be constitutionally protected, Part M; (7) while Woodcock was suing both of them, Duff confirmed to Thro the removal of the Wyatt, Tarrant & Combs Professorship, Part M; (8) thirty days after Woodcock's July 22, 2026 letter, Van Tatenhove refused to review the suspension, continued it again on September 28, 2026, and reported on October 13, 2026 that there had been "no further review" of its remaining limitations, Parts M and N; (9) six weeks after the KCRA suit, the review of Woodcock's discrimination complaint was closed without addressing his own race, religion, national origin, or

retaliation, Part M; and (10) the day after the Sixth Circuit's remand, and again the day after the September 10, 2026 complaint, the investigation was accelerated, Parts M and N.

190. These actions would deter a person of ordinary firmness, and dissuade a reasonable employee, from petitioning or from reporting discrimination. The close timing, the departures from University procedure, the absence of any legitimate justification, and the other facts alleged in Parts I through N and Q show that each protected activity was a substantial or motivating factor in the adverse actions that followed it. For the § 1981 claim, but for Woodcock's opposition to race discrimination, the officials would not have taken those actions.

191. The rights the officials violated were clearly established before September 2025. In 2008, the Supreme Court held that § 1981 reaches retaliation. *CBOCS W., Inc. v. Humphries*, 553 U.S. 442, 457 (2008). The Petition Clause protects a public employee's petition on a matter of public concern. *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 398 (2011). Any reasonable university official would have understood that he could not threaten a professor's livelihood because the professor complained of race discrimination, petitioned the governing board, or sued.

192. Woodcock seeks damages from Capilouto, DiPaola, Thro, Duff, and Van Tatenhove in their individual capacities and, from Capilouto, DiPaola, Thro, and Van Tatenhove in their official capacities, the prospective relief described in Count I, including an injunction against any charge, finding, or sanction arising from the investigation that rests on Woodcock's protected activity.

Count III. Viewpoint Discrimination (U.S. Const. amend. I; 42 U.S.C. § 1983)

Against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official and Individual Capacities, and Duff in His Individual Capacity

193. Woodcock incorporates each preceding paragraph.

194. The officials named in this Count discriminate against Woodcock's viewpoint, both in the rules they apply and in how they apply them. "The government may not discriminate against speech based on the ideas or opinions it conveys." *Iancu v. Brunetti*, 588 U.S. 388, 393 (2019).

195. The unwritten requirement that campus events "in opposition to what's going on" in Gaza "provide both sides," DN 40 at 41:20–25 (PageID 1842), discriminates on its face. The requirement burdens only speech opposing Israel's conduct; on information and belief, it has never been applied to events presenting pro-Israel views, including the May 1, 2025 event described in Part O. Woodcock, as chair of the committee that organized law school forums, was subject to the requirement, which he understood to require a speaker defending Israel's conduct alongside any genocide scholar he invited. Parts F and O. The officials are now investigating Woodcock for asking whether the requirement was constitutional. Part J.

196. The officials apply the listserv rule that Duff called "a universal rule," DN 40 at 192:5–9 (PageID 1993), only to Woodcock's speech about Palestine. A senior colleague who is not Arab or Muslim sent more than 200 messages to the law faculty listserv, many about politics. An emeritus colleague defended Israel's conduct of the war in Gaza on the same thread to which Woodcock posted. On information and belief, neither has been investigated or disciplined. Part O.

197. The IHRA definition and its examples, as the officials apply them to faculty speech, single out one side of a political debate. Criticism of Zionism and the State of Israel may be treated as antisemitism, while speech supporting them is unregulated. Part D. Under the IHRA examples, claiming that the existence of the State of Israel is a racist endeavor may be antisemitic, while claims that other colonial enterprises are racist are not. The officials have applied the definition and its examples to Woodcock's speech in suspending Woodcock and subjecting him to a months-long, intrusive investigation. Parts D, H, and J.

198. The officials took sides on a comparable war while punishing Woodcock's side of this one. Capilouto announced the University's "solidarity with the people of Ukraine"; University webpages direct readers to donations supporting the Ukrainian military. On information and belief, no official has treated that speech as creating a hostile environment. Part O.

199. Suppressing one side of a public debate serves no compelling interest. Nor is applying the officials' rules to Woodcock's speech narrowly tailored—narrower rules against harassment, threats, and misuse of property already serve every legitimate interest. Part C.

200. The rule against viewpoint discrimination by public universities against professors was clearly established when the officials acted, for the reasons stated in Count I. Woodcock seeks damages from the officials named in this Count in their individual capacities for applying the rules described in this Count to him through the acts alleged in Count I, and, from Capilouto, DiPaola, Thro, and Van Tatenhove in their official capacities, a declaration that the "both sides" requirement, the selective application of the listserv rule, and the application of the IHRA examples to faculty speech discriminate on the basis of viewpoint, and an injunction against enforcing them against Woodcock, including by any charge, finding, or sanction arising from the investigation.

Count IV. Overbreadth and Compelled Speech (U.S. Const. amend. I; 42 U.S.C. § 1983)

Against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official Capacities

201. Woodcock incorporates each preceding paragraph.

202. The following provisions, described in Part C and the cited exhibits, are overbroad on their face and as applied to Woodcock: Sections B.2 (in its requirements of a disclaimer and of personal email and stationery), B.3 (in its requirement of a disclaimer), B.8, B.9, B.11, and B.16 of the Code; Sections III and V.II of the Statements Policy; Sections III and V.II of the Neutrality Policy; Sections I, II, IV.A, IV.J, and IV.J.c.vii of AR 10:1; Section C of AR — Significant Policies; Sections II.B and IV.B of AR 6:1; Sections V.D and VII of AR 10:4; Section I.A of the AR —

Employee Code; and the IHRA definition and its examples, as the officials apply them to faculty speech. Ex. 17; DN 42-2; DN 19-3 at PageID 515–520; DN 19-3 at PageID 528–533; Ex. 15; DN 19-3 at PageID 565–574; DN 19-3 at PageID 580–586; DN 19-3 at PageID 576–578; Ex. 16.

203. The IHRA examples reach core political speech—claiming that the existence of a State of Israel is a racist endeavor, drawing comparisons of contemporary Israeli policy to that of the Nazis, and applying "double standards" to Israel—none of which is harassment, while the University's harassment rules already cover every legitimate application of the examples. Part D.

204. As the officials read them, these provisions reach every article, lecture, conference presentation, post, and petition in which a faculty member lists his affiliation without a disclaimer; every email from a University account on a matter of public concern; every post to a professional association's discussion group that a faculty member reaches through his employment; and every statement on a political or religious subject that a listener finds "offensive." Read as the amended notice of investigation reads it, Section B.9 of the Code would bar any titled scholar from advancing a view in his field. DN 19-15 at PageID 1573. The provisions' legitimate sweep is small, because narrower rules against harassment, misuse of property, commercial endorsement, and false claims to speak for the University already serve every legitimate interest. A substantial number of the provisions' applications are unconstitutional, judged against that sweep.

205. The disclaimer requirements of Sections B.2 and B.3 of the Code, Section III of the Statements Policy, Sections III and V.II of the Neutrality Policy, and Section VII of AR 10:4 also compel speech. They require faculty, as a condition of speaking as scholars and citizens, to state a message the University dictates. Section III of the Neutrality Policy added its conference-disclaimer requirement in September 2025, two months after the officials launched the investigation of Woodcock's conference speech. Part C. No interest supports a compelled disclaimer where no

reasonable listener would mistake a scholar's or citizen's speech for the University's, as alleged in Count I.

206. No narrowing construction saves these provisions. The officials have read them broadly against Woodcock. The only official whose interpretation binds is Capilouto, who has publicly condemned Woodcock's views. Part C. A general statement that the University respects the First Amendment does not cure provisions whose operative terms reach protected speech. Woodcock challenges each provision separately, because each is severable. The repeal of some provisions does not moot the challenge, for the reasons alleged in Part C.

207. Woodcock has standing. The officials are investigating him under these provisions. Woodcock intends to engage in the speech they reach and has refrained from some of it. Part R.

208. Woodcock seeks a declaration that these provisions are overbroad and compel speech, on their face and, in the alternative, as applied to him; an injunction prohibiting Capilouto, DiPaola, Thro, and Van Tatenhove from enforcing them against him, including by any charge, finding, or sanction arising from the investigation; an injunction against enforcing the provisions in force against any faculty member; and an injunction against reaching the same speech through any successor provision. Capilouto, who promulgates and interprets the University's administrative regulations and policies, and DiPaola, Thro, and Van Tatenhove, who apply them to Woodcock, can each give that relief.

Count V. Prior Restraint (U.S. Const. amend. I; 42 U.S.C. § 1983)

Against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official Capacities

209. Woodcock incorporates each preceding paragraph.

210. The following provisions condition speech on an official's permission without narrow, objective, and definite standards or any time limit: (1) Section IV.J.c.vii of AR 10:1, which provides that mass mailings "may not be sent without proper authorization and coordination with

UK Public Relations and Marketing"; (2) Section IV.J.b of AR 10:1, which lets unit management "determine the nature and amount of incidental personal use"; (3) Section IV.K.d of AR 10:1, which permits blocking any account "to otherwise protect the University or its constituents"; (4) Section B.18 of the Code, which, because the speech rules are vague and contradictory, requires faculty to seek clearance whenever "any doubt about the propriety of an action exists"; (5) Section C of AR — Significant Policies, which conditions the use of "human resources and other tangible and intangible assets" on purposes "determined by the President"; and (6) Section VII of the Neutrality Policy, which requires that events that "share perspectives and historical context" after "unsettling events" be coordinated with the public relations office. DN 19-3 at PageID 528–533; DN 19-3 at PageID 565–574; DN 19-3 at PageID 580–586; DN 19-3 at PageID 576–578.

211. The officials also impose restraints that no rule states: (1) the "both sides" requirement and the ban on listserv speech "related to politics," Parts F and O; (2) the July 22, 2025 directive that Woodcock "stop immediately" anything "that might violate University policy," which identified only his speech about Israel and Palestine, DN 19-15 at PageID 1559; and (3) the February 12, 2026 statement of Capilouto, DiPaola, Thro, and Duff that Woodcock's article would be "less likely to enjoy constitutional protection" if submitted in the ordinary way, which kept Woodcock from submitting it, Parts M and R.

212. The AALS discussion groups are not University fora, as alleged in Part C. Even in a nonpublic forum, a restraint that leaves the decision to an official's unguided discretion permits viewpoint discrimination, which the officials have practiced against Woodcock. Count III. Woodcock has standing, as alleged in Count IV and Part R.

213. Woodcock seeks a declaration that these provisions, requirements, and directives are prior restraints, on their face and as applied to him; an injunction prohibiting Capilouto, DiPaola, Thro, and Van Tatenhove from enforcing them against him, including by any charge, finding, or

sanction arising from the investigation; and an injunction against enforcing the provisions in force against any faculty member.

Count VI. Vagueness (U.S. Const. amends. I, XIV; 42 U.S.C. § 1983)

Against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official Capacities

214. Woodcock incorporates each preceding paragraph.

215. The provisions identified in Counts IV and V do not define what they prohibit with enough definiteness that a faculty member can understand them and invite arbitrary enforcement. They distinguish speaking "in a professional or expert capacity" or as a "scholar or subject matter expert" from speaking as a "citizen" without defining the distinction or saying which rule governs speech that is both. They turn on undefined terms, including "even the appearance of speaking on behalf of the University," "University-related content," "primary professional loyalty," conduct that "might in any way lead members of the general public to conclude," "responsible, ethical behavior," "the highest standard of ethical, responsible, and considerate use," "spamming," "mass mailings," "unsolicited," "authorized purposes," and "directives." They make "offensive" conduct, "ridicule or mockery," and "insults" based on "political belief" or "creed" into harassment. Section I.A of the AR — Employee Code, quoted in Part C, holds faculty to how "their behavior reflects" on the University without saying what behavior is forbidden.

216. The provisions contradict one another on the questions at issue, so that compliance with one may violate another. The officials are investigating Woodcock under provisions that say what faculty "should" do, which give no notice that a departure is misconduct. Part C.

217. The IHRA definition and its examples, as the officials apply them, define antisemitism as "a certain perception of Jews," do not say whether the examples are themselves prohibitions or only illustrations, and turn on undefined concepts such as "double standards" and denying "the Jewish people their right to self-determination." AR — Equal Dignity (Interim) tells

faculty that harassment requires conduct "so severe, pervasive, and objectively offensive" that it denies equal access, while the OEO tells faculty that the IHRA definition and its examples govern complaints of antisemitism. A faculty member cannot tell which standard controls. Parts C and D.

218. Section C of Governing Regulation I and Section I.A of the AR — Academic Freedom and Freedom of Speech, which confine academic freedom to speech "related to the faculty member's area or expertise" and provide that "[f]ormal instruction does not allow for faculty members to impose their personal viewpoints on students or engage in promotion of ideas outside their domains of expertise," are vague on their face and as the officials construe them. DN 1-2 (PageID 44–48) § C; Ex. 18 at § I.A. Woodcock intends to teach the International Law Seminar again and cannot tell when answering a student's question within the course becomes forbidden "promotion of ideas." Part R.

219. The officials have enforced these rules arbitrarily, applying them to Woodcock's speech about Palestine and to no other faculty member's speech, as alleged in Parts O and Q.

220. Woodcock seeks a declaration that these provisions are void for vagueness, on their face and, in the alternative, as applied to him; an injunction prohibiting Capilouto, DiPaola, Thro, and Van Tatenhove from enforcing them against him, including by any charge, finding, or sanction arising from the investigation; an injunction against enforcing the provisions in force against any faculty member; and an injunction against reaching the same speech through any successor provision.

Count VII. Establishment Clause (U.S. Const. amend. I; 42 U.S.C. § 1983)

Against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official and Individual Capacities, and Duff in His Individual Capacity

221. Woodcock incorporates each preceding paragraph.

222. The officials named in this Count, by applying the IHRA definition and its examples, prefer one faith. Under *Larson v. Valente*, 456 U.S. 228, 244, 246 (1982), a rule, or the application of one, that prefers one religious denomination over another is subject to strict scrutiny.

223. The IHRA examples shield from criticism the religious nationalism of one faith, including the belief, held by many Jews and rejected by others, that God gave the land of Israel to the Jewish people. Criticism of every other religious nationalism, such as Russian Orthodox or Hindu nationalism, remains unregulated; the officials have themselves opposed one of them. Parts D and O. The OEO applies a special definition to antisemitism and to no other form of discrimination. Part O. No historical practice in this country supports protecting one faith's claim to territory and political power from criticism.

224. The officials have applied that preference to Woodcock, as alleged in Parts D, G, H, J, L, M, and N—Capilouto in his July 18, 2025 announcement, Thro in his September 19 and October 30, 2025 letters, Capilouto, DiPaola, and Thro in deciding to launch the investigation, DN 40 at 188:11–18 (PageID 1989), Duff in imposing the suspension and ban, and Van Tatenhove in continuing the suspension pending the investigation. Woodcock does not believe that God gave the land of Israel to the Jewish people. The officials have suspended and investigated him for denying a claim to land that he could deny without consequence if any other faith made it; they coerce him to suppress his disbelief and his scholarship. Part R.

225. The preference serves no compelling interest by narrowly tailored means. The University's rules against harassment, which apply to every faith, fully serve its interest in protecting Jewish students and employees. Part C.

226. After *Larson*, any reasonable official would have known in 2025 that a public university may not discipline a professor under a rule that shields one faith's tenets from criticism while leaving every other faith's open to it. Woodcock seeks damages from the officials named in

this Count in their individual capacities and, from Capilouto, DiPaola, Thro, and Van Tatenhove in their official capacities, a declaration that the application of the IHRA definition and its examples to Woodcock's speech violates the Establishment Clause and an injunction prohibiting that application, including by any charge, finding, or sanction arising from the investigation.

Count VIII. Deprivation of Property and Liberty Without Due Process (Fourteenth Amendment; 42 U.S.C. § 1983)

Against Capilouto, DiPaola, Thro, Duff, and Van Tatenhove in Their Individual Capacities, and against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official Capacities

227. Woodcock incorporates each preceding paragraph.

228. The University's rules give Woodcock a property interest in his tenured appointment and in the duties that make up the appointment, as alleged in Part A. AR 3:8 requires "comparable workloads." Under the law school's Faculty Rules every faculty member's workload consists of teaching, research, and service, as alleged in Part B. DN 1-3 at PageID 53; DN 1-4 at PageID 78–79. Woodcock pleads those rules only as the source of the interest; the process due is a matter of federal law, because property "cannot be defined by the procedures provided for its deprivation." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 541 (1985). Woodcock accepted a substantially smaller salary than he would earn in legal practice in exchange for the opportunity to teach and pursue scholarship, as alleged in Part A, so his duties are part of what he bargained for.

229. Duff, in consultation with DiPaola's office and, on information and belief, with Capilouto and Thro, who joined the decision, deprived Woodcock of that interest on July 18, 2025, by removing him from all teaching, research, and service and banning him from the law building, all "for the duration of the investigation," as alleged in Part H. DN 19-3 at PageID 493. The University's own records now call the arrangement "Administrative Leave." Ex. 37 at 6–16. Thro continued the deprivation into the Spring 2026 semester. DN 19-4 at PageID 1085. Van Tatenhove

continued it on August 21 and September 28, 2026, and on October 13, 2026 reported "no further review" of its remaining limitations, as alleged in Parts L, M, and N. DN 65-6 at PageID 2399; DN 65-8; Ex. 55. The deprivation has lasted more than fifteen months and has cost Woodcock three semesters of teaching.

230. No defendant gave Woodcock notice of the charges, an explanation of the evidence, or an opportunity to respond before the deprivation. No one answered Woodcock's July 9, 2025 request to see the communications the Provost's office had received, as alleged in Part G. The first questions about his speech came 136 days after the deprivation and eighteen days after he sued. No procedure reviews the deprivation while it continues, as alleged in Part S; the investigation addresses only whether Woodcock violated University policy.

231. No exigency excused the absence of process. No member of the University community had complained; the reports came from what Duff called "outside interests." DN 40 at 179:14–19, 181:15–23. Duff had seen no evidence that Woodcock had said "anything critical about Israel inside the law school." DN 40 at 176:3–6 (PageID 1977). No defendant determined that Woodcock threatened anyone, although the University's rules, then and since, condition suspension on a threat of harm, as alleged in Parts B and H. Woodcock pleads those rules as evidence that the defendants themselves perceived no hazard requiring summary action, not as constitutional requirements. Duff's letter rested the deprivation only on "protocols and past practices for investigations of this nature" and the wish "to protect both you and the University." DN 19-3 at PageID 493.

232. Woodcock also has a liberty interest in his good name and in pursuing his profession. On July 18, 2025, Capilouto announced to the entire campus community that "this employee has been removed" from teaching because of "an online petition calling for the destruction of a people based on national origin," whose views "express hate" and "are repugnant,"

as alleged in Part G. DN 19-3 at PageID 496–497. The press identified Woodcock within hours. The statement was false—the petition calls for military action to stop a genocide, not for the destruction of any people. The statement impugns Woodcock's morality, not merely his competence.

233. The stigma came with a change in Woodcock's legal status. Capilouto's announcement accompanied the removal from all duties. On July 1, 2026, Woodcock lost the Wyatt, Tarrant & Combs Professorship, a removal Duff confirmed in writing on April 17, 2026, copying Thro, and that the officials told this Court accommodated the law firm's wish not to be associated with Woodcock "because of Woodcock's antisemitic views," as alleged in Part M. 6th Cir. No. 26-5057, Doc. 56 at 66; DN 63 at 3 n.10 (PageID 2198). The officials thus attached the stigma to a further loss of status, before any finding in the investigation.

234. The change in status was not a reassignment within Woodcock's appointment, such as removal from an administrative post. Woodcock has been removed from every function of the tenured appointment itself—teaching, research, and service—since July 18, 2025, from faculty meetings until September 28, 2026, and from the named professorship. The stigma has also damaged Woodcock's standing and associations in his profession and foreclosed other employment—the appointments committee of another law school expressed concern that it could not protect him from the kind of treatment the University had given him, as alleged in Part R.

235. After Capilouto's announcement, Woodcock repeatedly asked to have the charge withdrawn and to be heard on it. On July 18, 2025, Woodcock wrote that Capilouto's characterization of Woodcock's position was "defamatory" and asked Capilouto to "retract his statement, issue a public apology to me, and meet with me." Ex. 36 at 1. On August 22, 2025, Woodcock again asked the University to retract Capilouto's statements, as alleged in Part I. Ex. 43 at 3. On September 11, 2025, Woodcock's counsel asked Thro for a "neutral and detached" decision-maker because Capilouto "has clearly prejudged the case," as alleged in Part L. DN 19-4 at PageID

1056–1057. The same letter asked for specific notice of "what exactly Prof. Woodcock is alleged to have said (and when/where) that the University is interpreting as calling for 'the genocide of Israeli people who are predominantly Jewish,'" for "compliance with the University's procedural rules set forth in the Regulations Affecting Employment," and for "[a] public statement from the University indicating that it wrongfully suspended Professor Woodcock." *Id.* at PageID 1063–1064. On September 24, 2025, counsel wrote that "[t]he University's indictment of Professor Woodcock via imposition of the suspension was public and devastating." DN 19-4 at PageID 1074. On July 22, 2026, Woodcock asked Van Tatenhove for a public apology for the reassignment and ban, as alleged in Part M. Ex. 53 at 2.

236. Together the requests told the defendants that Woodcock disputed the charge that he had called for the destruction of a people and sought to have it withdrawn, publicly corrected, or heard before a neutral decision-maker, not only to recover his duties.

237. No defendant granted any of the requests. Capilouto did not retract the statement or respond. Thro wrote that the University "rejects" the demand to end the investigation and that, "if disciplinary proceedings are initiated, then Professor Woodcock will receive due process." DN 19-4 at PageID 1066–1067. Van Tatenhove did not respond by the date Woodcock requested and then wrote that "a review of your status will not be conducted until the investigation is complete." DN 65-6 at PageID 2399. No defendant has offered Woodcock a hearing, public or otherwise, at which to refute the July 18, 2025 statement or the "antisemitic views" ground stated for the removal of the professorship. No University procedure provides one, as alleged in Part S.

238. Each University Defendant acted with knowledge that Woodcock is a tenured professor and with written notice, repeated after each deprivation, that he had received no notice or hearing, as alleged in Part Q. Any reasonable official in each defendant's position would have understood that the Fourteenth Amendment forbids stripping a tenured professor of every duty of

his appointment indefinitely, and publicly branding him with a false charge of advocating genocide in connection with that removal, without notice, an opportunity to respond, or any exigency. *See Gunasekera v. Irwin*, 551 F.3d 461, 468–69, 471 (6th Cir. 2009). *Cunningham v. Blackwell*, 41 F.4th 530, 534–37 (6th Cir. 2022), is not to the contrary—the professors there lost only their clinical duties, after an eleven-month investigation in which the University offered each of them a chance to respond. Qualified immunity does not protect the defendants.

239. The deprivations have cost Woodcock his teaching, research, and service and have caused him injury to his reputation and professional standing, the loss of the named professorship, emotional distress, and humiliation. Woodcock seeks damages from each individual-capacity defendant and, from the official-capacity defendants, the prospective relief that each can give, for the reasons stated in Count I.

Count IX. Biased Decision-Makers and a Structurally Unfair Process (Fourteenth Amendment; 42 U.S.C. § 1983)

Against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official Capacities

240. Woodcock incorporates each preceding paragraph.

241. Due process requires a fair tribunal. Decision-makers come to a case with a "presumption of honesty and integrity," *Withrow v. Larkin*, 421 U.S. 35, 47 (1975), but the presumption fails where an adjudicator has prejudged the matter, has a stake in the outcome, *Gibson v. Berryhill*, 411 U.S. 564, 578–79 (1973), or "had a direct, personal role in the defendant's prosecution," *Williams v. Pennsylvania*, 579 U.S. 1, 10 (2016). An official who launched a case faces "an improper, if inadvertent, motive to validate and preserve the result" of the official's own earlier decisions. *Id.* at 11.

242. Woodcock does not challenge the combination of investigative and adjudicative functions as such. He challenges a structure, applied to him alone, in which the same two officials,

Capilouto and Thro, who launched the investigation, condemned or defended its object, and continue the deprivation alleged in Count VIII also control whether he is charged, whether and how he is sanctioned, and whether termination reaches the Board, as alleged in Part P.

243. Capilouto holds every decisive role. On information and belief, Capilouto joined the decision to suspend, ban, and investigate Woodcock. Duff agreed that the decision to investigate was taken at "the highest level of the university." DN 40 at 188:11–18. Capilouto prejudged the matter, as alleged in Part P. Only Capilouto's interpretation of the University's rules "is binding on all members of the University community." DN 19-3 at PageID 423–424 § B; Ex. 19 § VIII. Under the investigator's process, Capilouto, not the OEO Executive Director whom the written procedures designate, decides after the report whether to bring charges. DN 19-15 at PageID 1570–1571; DN 37 at 34 n.12 (PageID 1791).

244. Capilouto also decides the outcome. Under AR — Due Process (Interim) § F, when only the Board may terminate an employee, "the decision of the appellate panel is only advisory to the President," who decides "in their sole discretion" whether to recommend termination to the Board or to impose "a lesser sanction," as alleged in Part P. DN 19-3 at PageID 526. Capilouto may therefore impose a lesser sanction on his own decision, with no Board review, and may recommend termination even after a hearing panel and an appeal panel have found Woodcock not responsible. The officials have told this Court that a formal hearing follows only "if the University determines tenure revocation or a lengthy suspension without pay is appropriate." DN 63 at 36 (PageID 2231).

245. Thro holds the prosecutor's roles and the gatekeeper's. Thro launched the investigation on July 18, 2025, certified it the same day, and, on information and belief, selected the investigator, as alleged in Part H. DN 19-3 at PageID 491. Thro receives the investigator's privileged report, decides who else sees it, and withholds it from Woodcock. DN 19-15 at PageID 1570. Thro has defended the suspension and extended it on the basis of both notices of investigation, as alleged

in Part J. DN 19-4 at PageID 1085. Under the University's written hearing procedures, the University presents its case "through the general counsel or attorneys under the direction and control of the general counsel." DN 19-3 at PageID 481–489 § I.D.1. Thro thus investigates, prosecutes, and, as alleged in Part P, decides challenges to the impartiality of the panel that hears his case. DN 19-3 at PageID 525 (§ II.D.4).

246. No later step cures these defects. The recusal procedure reaches only hearing and appeal panel members; it never reaches Capilouto, Thro, or the trustees, and Thro decides any recusal dispute. On information and belief, no written rule defines the Board proceeding beyond § F's statement that the Board "will conduct the proceedings according to the Kentucky Revised Statutes." DN 19-3 at PageID 526.

247. The Board has not acted as a check on Capilouto in Woodcock's matter, as alleged in Parts K and P.

248. The structure is not hypothetical. The investigation is a single course of conduct that began on July 18, 2025, and that continues through the investigator's report and Capilouto's decision on charges and sanctions. The Second Evidence Review, the last stage before the investigator's report, closed on October 27, 2026; the officials told this Court that the investigator anticipated a final report by November 2, 2026, as alleged in Part N. DN 63 at 7 n.36 (PageID 2202). Capilouto's decision is imminent.

249. The bias is concrete. Capilouto has already decided, publicly, that the speech under investigation expresses "hate," is "repugnant," and may be antisemitic. Thro has already relied on every allegation in both notices to continue the deprivation. Both officials are defendants in this suit and in Woodcock's state actions, sued in their individual capacities for damages for the very acts they would now validate or repudiate. A finding that Woodcock's speech was protected or harmless would condemn their own earlier decisions and enlarge their personal exposure.

250. Woodcock suffers present injury from the structure, not only the risk of a future sanction. Woodcock remains removed from his duties for the duration of a process whose end Capilouto and Thro control. Woodcock must answer an investigation whose report he may not see, before officials who have prejudged its subject. Woodcock speaks less, as alleged in Part R, because those officials will decide whether further speech becomes a further basis for discipline.

251. Woodcock seeks prospective relief against the official-capacity defendants, who together control the investigation, the charging decision, any hearing, the appointment of panels, any sanction, and Woodcock's assignments.

Count X. Race Discrimination in Violation of 42 U.S.C. § 1981 (42 U.S.C. § 1983) Against Capilouto, DiPaola, Thro, Duff, and Van Tatenhove in Their Individual Capacities, and against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official Capacities

252. Woodcock incorporates each preceding paragraph.

253. Woodcock brings this Count under 42 U.S.C. § 1983, which enforces § 1981 rights against state actors.

254. Woodcock is Arab, of Algerian ancestry. On information and belief, he is the only Arab member of the law faculty, as alleged in Part F.

255. Woodcock's employment with the University is a contractual relationship. Each defendant named in this Count impaired Woodcock's enjoyment of its benefits, privileges, terms, and conditions by the acts alleged in Count VIII and Parts H through N and Q—the removal from all teaching, research, and service; the building ban; the investigation; the expansion of the allegations; the continuations of the suspension; and the removal of the named professorship.

256. Each defendant acted because of Woodcock's Arab ancestry. Law school administrators and a senior colleague associated Woodcock's views with his ancestry, as alleged in Part F. On information and belief, each defendant perceived Woodcock as Arab, Muslim, and

Algerian when acting. Woodcock's Algerian ancestry was known throughout the law school by 2024, as alleged in Part F. On July 18, 2025, Woodcock wrote to Capilouto and to the law faculty listserv, which Duff received as Interim Dean, that Algeria is his "mother's country." Ex. 36 at 1. The evidence disclosed in the investigation shows that Duff forwarded a listserv message of Woodcock's to DiPaola and Thro two days later. Woodcock's report, counsel's letters, this action, and his letter to Van Tatenhove identified Woodcock as Arab, Muslim, and Algerian, as alleged in Parts I, L, and M. Capilouto's announcement recast a call to stop a genocide as a call for "the destruction of a people," the stereotype of the genocidal, hate-driven Arab. A high-level University working group imposed an unwritten "both sides" requirement on events opposing Israel's war and, on information and belief, on no other events. The defendants have not investigated, suspended, or banned the comparators alleged in Part O, who are not perceived to be Arab. The officials promoted Woodcock to full Professor seventeen days before they suspended him, after more than a year of open knowledge of his views, and acted with no complaint from the University community.

257. But for Woodcock's Arab ancestry, the defendants would not have taken those actions. Any reasonable official in each defendant's position would have understood that § 1981 forbids impairing a public employee's contractual relationship because of his Arab ancestry. Woodcock seeks damages against each individual-capacity defendant and prospective relief against the official-capacity defendants.

Count XI. Discrimination in Violation of the Equal Protection Clause (Fourteenth Amendment; 42 U.S.C. § 1983)

Against Capilouto, DiPaola, Thro, Duff, and Van Tatenhove in Their Individual Capacities, and against Capilouto, DiPaola, Thro, and Van Tatenhove in Their Official Capacities

258. Woodcock incorporates each preceding paragraph.

259. The Equal Protection Clause forbids state officials to treat a person differently because of race, ethnicity, religion, or national origin. Woodcock is Arab, Muslim, and of Algerian national origin. Woodcock brings this Count as a member of those classes, not as a class of one.

260. The defendants named in this Count treated Woodcock differently from similarly situated faculty who are not perceived to be Arab, Muslim, or Algerian, by the acts alleged in Count X. The comparators alleged in Part O, who advocated military action against states using the same kinds of fora and resources, were not investigated, suspended, or banned.

261. Each defendant knew or perceived that Woodcock is Muslim and of Algerian national origin, as alleged in Count X. Law school administrators asked Woodcock whether he is a "practicing" Muslim and whether he celebrated Christmas, as alleged in Part F, and the obituaries the Dean circulated to the law school described his mother as a "Muslim Scholar" and an "Algerian-born scholar." Ex. 74 at 4–5. Woodcock's race, religion, and national origin were each a motivating factor in the actions alleged in Count X.

262. The defendants acted with discriminatory purpose, as shown by the stereotyping remarks and characterizations alleged in Count X, the different treatment of comparators, the procedural departures alleged in Parts H and P, the timing and sequence of events, the officials' treatment of opposition to Zionism as antisemitism when Arabs and Muslims express it, as alleged in Part F, and the officials' protection of one religious nationalism from criticism while the University tolerates, and itself joins, opposition to others, as alleged in Part O. The officials singled out speech of an Arab and Muslim professor that aligns with the views of the Arab and Muslim world.

263. Any reasonable official in each defendant's position would have understood that suspending, banning, investigating, and stripping a professor of a named professorship because of his race, religion, or national origin violates the Equal Protection Clause. Woodcock seeks damages

against each individual-capacity defendant and prospective relief against the official-capacity defendants.

Count XII. 2025 Senate Joint Resolution 55, As Applied and on Its Face (First Amendment, Including the Establishment Clause; 42 U.S.C. § 1983)

Against the Attorney General and Capilouto, DiPaola, Thro, and Van Tatenhove, each in his Official Capacity

264. Woodcock incorporates each preceding paragraph.

265. SJR 55 directs each public postsecondary institution to "adopt policies to combat antisemitism within their institutions that use as guidance the definition of 'antisemitism'" of the IHRA, and to collect and report annually the number of reports of antisemitism, the investigations opened, and their outcomes to the Council on Postsecondary Education, which transmits them to the Legislative Research Commission. 2025 Ky. Acts ch. 157, §§ 1–2; Part D. SJR 55 thus directs institutions to classify expression by reference to the IHRA definition and its examples and measures institutions by their investigations of reported antisemitism.

266. The University Defendants apply SJR 55 to Woodcock. Thro, Mudd, and the officials' filings in this Court describe the definition applied to Woodcock as mandated by the General Assembly or by state law, as alleged in Part D. DN 19-4 at PageID 1067; DN 40 at 150:16–24; DN 63 at 26 (PageID 2221). Capilouto announced that the petition "can be interpreted as antisemitic in accordance with state and federal guidance." DN 19-3 at PageID 496.

267. The Attorney General agrees that the University applies SJR 55 to Woodcock. The Attorney General announced that "[u]nder the direction of those guidelines, the University of Kentucky temporarily suspended the teaching duties of law professor Ramsi Woodcock," DN 78-1 at 1 (PageID 2628), and has made similar statements publicly, in the Sixth Circuit, and in this Court,

as alleged in Part D. DN 78-2 at 1 (PageID 2630); 6th Cir. No. 26-5057, Doc. 55 at 15; DN 67 at 7 (PageID 2417).

268. As applied to Woodcock, SJR 55 violates the First Amendment. The officials apply the IHRA definition and its examples, at SJR 55's direction, to investigate and continue the suspension of Woodcock for core political and scholarly speech about Israel, Palestine, and Zionism. The examples, quoted in Part D, single out one side of a political debate, as alleged in Count III. SJR 55's instruction that institutions "adhere to the First Amendment" cures nothing. Thro recited the same commitment in the letter that announced the University would apply the definition to Woodcock's political speech. DN 19-4 at PageID 1067.

269. As applied to Woodcock, SJR 55 also violates the Establishment Clause. The examples SJR 55 makes the guide for every institution shield from criticism the religious nationalism of one faith and of no other, as alleged in Parts D and O. That preference, which the officials apply to Woodcock, fails strict scrutiny for the reasons alleged in Count VII.

270. In the alternative, SJR 55 is facially invalid. SJR 55's unconstitutional applications, including those described in Count IV, are substantial in relation to its legitimate sweep, which is small because Title VI, the Kentucky Civil Rights Act, institutional codes, and the criminal law already prohibit harassment, threats, and discrimination. SJR 55 chills protected speech at every public institution in the Commonwealth. SJR 55 is also void for vagueness, because it commands institutions to use the definition "as guidance" without saying what that requires or whether the examples are prohibitions, and rests on the undefined terms identified in Count VI.

271. In the further alternative, if the officials apply the IHRA definition to Woodcock of their own accord rather than at SJR 55's direction, the application violates the First Amendment for the reasons stated in this Count and in Counts III, IV, VI, and VII.

272. The Attorney General has "some connection with the enforcement of the act." Ex parte Young, 209 U.S. 123, 157 (1908). The Attorney General has defended SJR 55 and its application to Woodcock in this action, DN 67; has told the Sixth Circuit that "the First Amendment does not prohibit UK from investigating Woodcock for creating a hostile environment and temporarily reassigning his duties," Doc. 55 at 9, and that "nonenforcement of Kentucky's law would impose a 'form of irreparable injury' on the Commonwealth," *id.* at 35; and has publicly pledged support for "the Kentucky General Assembly's directives to our public universities to stamp out this hate," DN 78-2 at 1 (PageID 2630). The Attorney General is "the chief law officer of the Commonwealth of Kentucky." KRS 15.020(1).

273. An injunction against the official-capacity defendants' application of SJR 55 to Woodcock redresses his injury whether or not a declaration binds the Attorney General. A declaration binding the Attorney General removes the mandate the officials cite. Woodcock seeks declaratory and prospective injunctive relief only.

Count XIII. Federal Pressure to Apply the IHRA Definition (Administrative Procedure Act, 5 U.S.C. § 706(2)(A)–(C); First Amendment, Nonstatutory Equitable Relief)

Against Secretary McMahon in her Official Capacity

274. Woodcock incorporates each preceding paragraph.

275. The Department of Education enforces Title VI through a policy of applying the IHRA definition and its examples to speech, as alleged in Part E. The Department's Office for Civil Rights has stated that it "will consider the IHRA definition in handling complaints of anti-Semitism." The Department has enforced that policy through funding threats, including the March 13, 2025 letter, co-signed by its Acting General Counsel, that made it a precondition of negotiations over Columbia University's federal funding that Columbia "[f]ormalize, adopt, and promulgate a definition of antisemitism." *Khalil* ECF 15-2 at 3; *Khalil* ECF 175 at 2.

276. The Department's policy is final agency action. The policy marks the consummation of the Department's decision-making on how it handles complaints of antisemitism, and legal consequences flow from it, because institutions that do not apply the definition face investigation and the loss of federal funds. *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997); *Tennessee v. U.S. Dep't of Educ.*, 104 F.4th 577, 599 (6th Cir. 2024).

277. The policy is "contrary to constitutional right," 5 U.S.C. § 706(2)(B), because the policy directs institutions to treat one side of a political debate as evidence of discrimination and gives a preference to one faith's religious nationalism, as alleged in Count XII. The policy is "not in accordance with law," *id.* § 706(2)(A), because Title VI prohibits discrimination in programs, not speech on matters of public concern. The policy is "in excess of statutory jurisdiction, authority, or limitations," *id.* § 706(2)(C), because no statute authorizes the Department to define protected political speech as discrimination.

278. The policy injures Woodcock and is traceable to the Secretary. Capilouto, Thro, and the University Defendants' filings in this Court invoke federal guidance and federal law as grounds for applying the IHRA definition to Woodcock and investigating him, citing a Title VI settlement that resolved investigations by the Department's Office for Civil Rights, as alleged in Part E. DN 19-3 at PageID 496; DN 19-4 at PageID 1067; DN 79 at 4–5 & n.17, 22 (PageID 2635–36, 2653); DN 79-3 at 2 (PageID 2667). Federal agencies awarded the University $255.3 million in fiscal year 2025, 51.4 percent of its grant and contract awards, as alleged in Part E. A government action has the "determinative or coercive effect upon the action of someone else" that standing requires, *Bennett*, 520 U.S. at 169, when an institution so dependent on federal funds cites federal guidance as a basis for investigating a professor's speech.

279. The injury is ongoing. The government, including Secretary McMahon, has stipulated in *Khalil* that it "does not and will not" require Columbia to adopt "the IHRA definition," as alleged

in Part E, but has given no such assurance as to Kentucky or the University of Kentucky. *Khalil*, ECF No. 220 at 6–7. The University Defendants continue to apply it to Woodcock.

280. In the alternative, Woodcock brings a nonstatutory claim in equity to enjoin the Secretary from enforcing Title VI in violation of the First Amendment. Congress waived sovereign immunity for such claims, because "§ 702's waiver of sovereign immunity extends to all non-monetary claims against federal agencies and their officers sued in their official capacity, regardless of whether plaintiff seeks review of 'agency action' or 'final agency action' as set forth in § 704." *Muniz-Muniz v. U.S. Border Patrol*, 741 F.3d 668, 672 (6th Cir. 2013).

281. Woodcock seeks the order, declaration, and injunction against the Secretary stated in the prayer for relief, and no damages.

PRAYER FOR RELIEF

WHEREFORE, Woodcock asks the Court to enter judgment in his favor and to grant the following relief, preliminarily and permanently, as appropriate:

A. Declarations against the official-capacity defendants that (1) the continued removal of Woodcock from his duties, and the investigation of the speech identified in the July 22 and September 8, 2025 notices of investigation, violate the First and Fourteenth Amendments and 42 U.S.C. § 1981; (2) the speech so identified is protected by the First Amendment and may not be the basis of any finding, charge, or sanction; (3) the provisions challenged in Counts III through VI are invalid on their face and, in the alternative, as applied to Woodcock; (4) the officials' application of the IHRA definition and its examples to Woodcock violates the Free Speech and Establishment Clauses; (5) the structure under which Capilouto and the General Counsel's office would decide charges and sanctions in the investigation violates due process; and (6) the removal of the Wyatt, Tarrant & Combs Professorship because of Woodcock's protected speech or ancestry violated the First and Fourteenth Amendments and § 1981;

B. A declaration, binding on the Attorney General and on the official-capacity defendants, that SJR 55 violates the First Amendment, including the Establishment Clause, as applied to Woodcock and, in the alternative, on its face;

C. An injunction prohibiting the official-capacity defendants, and those in active concert with them, from (1) continuing the investigation, issuing any report, findings, or charge, convening any hearing, or imposing any sanction, arising from the investigation and based on Woodcock's protected speech or on the provisions challenged in Counts III through VI; (2) applying the IHRA definition or its examples to Woodcock's speech, under SJR 55 or otherwise; (3) reimposing the building ban; (4) treating Woodcock's scholarship on Palestine, its submission for publication, or its inclusion in his faculty evaluation as a basis for investigation or discipline; (5) using Woodcock's protected speech in any decision about endowed professorships or chairs; (6) enforcing the provisions challenged in Counts III through VI against Woodcock and, as to the provisions in force, against any faculty member; and (7) reaching the same speech through any successor provision;

D. An injunction requiring the official-capacity defendants to (1) restore Woodcock to full teaching, research, service, governance, advising, and supervision, with his customary distribution of effort, beginning with the next semester; (2) correct the 2025–26 and 2026–27 distribution-of-effort records; (3) restore the Wyatt, Tarrant & Combs Professorship to Woodcock or appoint him to an equivalent named professorship; (4) expunge from Woodcock's records the suspension, the ban, the investigation, and the "antisemitic views" ground stated for the removal of the professorship; and (5) provide Woodcock an adequately publicized name-clearing hearing before a decision-maker who took no part in the July 18, 2025 announcement;

E. In the alternative to the relief in paragraph (c)(1), and without waiving it, an injunction requiring that any decision whether to bring a charge, any adjudication, and any sanction

arising from the investigation be made by decision-makers who did not take part in the suspension, the ban, or the investigation, who have not publicly condemned Woodcock's speech, and who are not defendants in Woodcock's suits, which excludes Capilouto and the General Counsel's office; that the investigator's final report and evidence be disclosed to Woodcock before any decision whether to bring a charge; and that no sanction take effect before any review is complete;

F. On Count XIII, an order under 5 U.S.C. § 706(2) setting aside the Department of Education's policy of applying the IHRA definition's examples to protected speech in Title VI enforcement, a declaration that the policy violates the First Amendment, and an injunction prohibiting Secretary McMahon in her official capacity from requiring, encouraging, or conditioning federal funds on the application of those examples to the protected speech of faculty, including at the University of Kentucky;

G. On Counts I, II, III, VII, VIII, X, and XI, compensatory damages, including for lost professional opportunities, the loss of the named professorship, injury to reputation, emotional distress, and humiliation, and punitive damages, against the individual-capacity defendants only;

H. Costs and reasonable attorney's fees under 42 U.S.C. § 1988, 28 U.S.C. § 2412, and other applicable law;

I. Pre- and post-judgment interest; and

J. Such other relief as law and justice allow.

JURY DEMAND

Woodcock demands a trial by jury on all issues so triable.

Date: November 4, 2026

Respectfully submitted,

/s/ Rima Kapitan

/s/ Joe F. Childers

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VERIFICATION

I, Ramsi A. Woodcock, declare under penalty of perjury under the laws of the United States of America, 28 U.S.C. § 1746, that I have read the foregoing Second Amended and Supplemental Verified Complaint and that the factual allegations in it are true and correct of my own personal knowledge, except those alleged on information and belief, which I believe to be true.

Executed on November 4, 2026.

/s/ Ramsi A. Woodcock

Ramsi A. Woodcock

LIST OF EXHIBITS

Exhibit 1: Administrative Regulation 1:1, Administrative Organization (eff. Aug. 26, 2022)
Exhibit 2: Business Procedures Manual E-1-6, Outside Legal Counsel (2022)
Exhibit 3: Offer Letter Appointing James C. Duff Interim Dean (June 17, 2025)
Exhibit 4: Admin. Reg. University Organization
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