

CAUSE NO. DC-2025-CV-1817

IN THE 237TH DISTRICT COURT OF LUBBOCK COUNTY, TEXAS

KEVIN BASS,
Plaintiff,

v.

Lori Rice-Spearman, Ph.D., in her official capacity as President of Texas Tech University Health Sciences Center;
Darrin D'Agostino, D.O., M.P.H., M.B.A., in his official capacity as Provost and Executive Vice President of Academics (Chief Academic Officer) of Texas Tech University Health Sciences Center;
Amanda McSween, in her official capacity as Managing Director of Enrollment Services and University Registrar of Texas Tech University Health Sciences Center;
Lauren Cobbs, M.D., M.Ed., F.A.C.P., in her official capacity as Senior Associate Dean for Student Affairs (School of Medicine) of Texas Tech University Health Sciences Center;
Tamara Mancini, M.Ed., in her official capacity as Director, Student Disability Services of Texas Tech University Health Sciences Center; and
Simon Williams, Ph.D., in his official capacity as Senior Associate Dean for Academic Affairs (School of Medicine) of Texas Tech University Health Sciences Center,

Defendants.

FIRST AMENDED VERIFIED ORIGINAL PETITION
& APPLICATION FOR TEMPORARY INJUNCTION
(Prospective Official-Capacity Relief Only; No Damages)

TO THE HONORABLE COURT:

Plaintiff Kevin Bass files this exhibit-free, verified first amended petition seeking prospective, official-capacity relief only:
(1) a prompt, public name-clearing/FERPA-amendment hearing; and (2) annotation/correction of education records so future disclosures append the corrective hearing record or, if no change is ordered, Plaintiff's statement. No damages are sought.

I. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Kevin Bass is a resident of Lubbock County, Texas.

2. Defendants are TTUHSC officials sued only in their official capacities for prospective relief:

a. Lori Rice-Spearman, Ph.D., President (appoints hearing official/committee for FERPA amendment hearings).

b. Darrin D'Agostino, D.O., M.P.H., M.B.A., Provost & EVP of Academics (EVPAA) (receives/acts on amendment requests and arranges hearings).

c. Amanda McSween, Managing Director of Enrollment Services & University Registrar (custodian of academic records/transcripts; implements annotations/appendments).

d. Lauren Cobbs, M.D., M.Ed., F.A.C.P., Senior Associate Dean for Student Affairs, School of Medicine (school-level implementation/scheduling coordination).

e. Tamara Mancini, M.Ed., Director, Student Disability Services (ADA/§504 accommodations at the hearing).

f. Simon Williams, Ph.D., Senior Associate Dean for Academic Affairs, School of Medicine (school-level implementation for academic status processes).

For service of process on each official: Texas Tech University Health Sciences Center,

3601 4th Street, Lubbock, Texas 79430 (their usual place of business).

3. Jurisdiction & Venue. This Court has jurisdiction over claims for prospective relief requiring state officers to comply with

constitutional/statutory duties (*ultra vires*). Venue is mandatory in Lubbock County because this suit primarily seeks

injunctive relief against resident state officers. Tex. Civ. Prac. & Rem. Code § 65.023(a). Governmental immunity does not bar

prospective, official-capacity *ultra vires* claims. See, e.g., *City of El Paso v. Heinrich*, 284 S.W.3d 366 (Tex. 2009).

II. INTRODUCTION AND NATURE OF THE ACTION

4. University officials authorized or issued communications portraying Plaintiff as “threatening” or otherwise dangerous and

imposed exclusion measures. Those statements were false. The University later acknowledged Plaintiff was not a threat, yet

the initial stigma persisted in official channels and foreseeably reached outsiders.

5. Plaintiff repeatedly requested a public, on-the-record opportunity to clear his name and to correct or annotate affected

records; officials did not provide that process.

III. FACTS (Exhibit-Free; Dates/Actors/Quotes Included)

A. Government publication (official channels; class-wide broadcast)

6. On October 19, 2025, Plaintiff requested a public name-clearing hearing, interim transcript relief, ADA/§ 504 accommodations,

and preservation; the request set an October 21, 2025, 5:00 p.m. CT deadline to identify the scheduling official and procedures.

The deadline passed without the required action.

7. Around this period, official statements were disseminated to students and other recipients. Two publications are central:

(i) on January 1, 2024, a public-facing post stated that a committee had voted to expel Plaintiff; and (ii) at 7:46 a.m. on

January 7, 2024, the Assistant Vice Dean for Student Affairs sent a class-wide broadcast stating “we are one student lighter

than last week,” instructing recipients to “check his Twitter.” System records reflect a recall attempt of that message. These

are agency publications, not private rumor.

B. Status change and exclusion measures (Emergency Removal; CTW)

8. On and after November 4, 2023, the University imposed Emergency Removal and issued a criminal trespass warning (CTW)

barring Plaintiff from TTUHSC campus or property pending further process.

Although the CTW later expired, while in force it

operated as an official restriction on Plaintiff's access and movement.

9. While the CTW was in effect, Plaintiff was required to coordinate any campus presence through Texas Tech Police (including

CDRC drop-off/pick-up), often resulting in visible police escort. That visible involvement signaled to others that Plaintiff

was dangerous, causing stigma and humiliation and deterring him from visiting campus-based witnesses or offices to gather

evidence. The Emergency Removal/CTW thus imposed concrete, intimidating burdens on ordinary activities and on case

preparation—part of the “status-change” plus—while the ongoing reputational harm and publication are addressed below.

C. Present-tense dissemination via official records (transcript notation; third-party recipients)

10. On October 16, 2025, TTUHSC issued an official transcript listing

“Administrative Dismissal Effective 01-11-2024.” That

notation was transmitted to third-party institutions; at least one recipient declined to offer an interview. This is ongoing

publication via official records, warranting annotation/appendment of a corrective hearing record to any future disclosure.

D. ADA/§ 504 context (notice; policy anchors; why prior process was not a name-clearing hearing)

11. Plaintiff gave Student Disability Services notice on December 8, 2023 and requested accommodations consistent with TTUHSC

policy. The prior internal proceeding did not function as a public name-clearing hearing: accommodations evidence was treated

outside scope, questioning was time-limited, and recording ceased before deliberations.

E. Request and denial (element satisfied)

12. Plaintiff requested a name-clearing hearing (§ 6); the October 21 deadline passed without scheduling, and subsequent follow-ups

failed to secure the hearing. Request and denial are adequately alleged.

IV. CLAIMS FOR PROSPECTIVE RELIEF (Official-Capacity Only; No Damages)

COUNT 1 – Texas Due Course of Law (Tex. Const. art. I, § 19): Stigma-Plus / Name-Clearing

13. Government publication of false, stigmatizing charges tied to a status change triggers a right to a public name-clearing hearing

and to a corrective record appended to future disclosures.

COUNT 2 – Ultra Vires Injunctive Relief (Prospective Only)

14. Under TTUHSC's Student Education Records policy (HSC OP 77.13 or successor), the

EVPAAs (Provost) or designee must arrange a hearing upon request, and the President or designee must appoint the hearing official/committee; if no change is ordered, the student's statement must be maintained with, and disclosed with, the contested portion. Defendants with these duties act without legal authority when they refuse to perform them or decline to implement lawful correction/annotation. Prospective injunctions should compel compliance.

COUNT 3 – Statutory Annotation/Correction (Tex. Gov't Code § 559.004)

15. Section 559.004 requires a reasonable correction/annotation procedure for incorrect personal information. Refusal to apply that procedure warrants prospective orders implementing it here, including appendment of the hearing record or student statement to any future disclosure.

V. APPLICATION FOR TEMPORARY INJUNCTION

16. Probable right to relief: ¶¶ 6–12 allege stigmatizing publication, status change, falsity, lack of an adequate prior public hearing, request, and denial.

17. Probable, imminent, irreparable injury; no adequate remedy at law: Ongoing dissemination of disputed stigma via official records/transcripts to third parties is non-compensable reputational and opportunity harm; Plaintiff seeks equitable process.

Although the CTW has expired, the current harm arises from TTUHSC's ongoing dissemination of stigmatizing information through official records/transcripts to third parties, which equitable relief can remedy by ordering a public name-clearing/FERPA amendment hearing and record annotation.

18. Requested interim relief pending final judgment:

(a) Order the President (or designee) to identify and appoint the hearing official/committee by a date certain, and order the EVPAAs/Provost (or designee) to schedule a public name-clearing/FERPA-amendment hearing on a near date certain, with ADA/§ 504 accommodations coordinated by Student Disability Services.

(b) Order the Registrar to implement a neutral interim transcript notation stating "Disputed; correction/annotation process pending" until the hearing occurs, and after the hearing, to append the corrective hearing record (or, if no change is ordered, Plaintiff's statement) to any future disclosure of the affected record(s).

(c) Preservation of relevant records.

(d) Bond: set a nominal bond under TRCP 684.

VI. PRAYER

19. Plaintiff asks the Court to:

(a) order a prompt, public, ADA-accommodated name-clearing/FERPA amendment hearing under HSC OP 77.13, with a preserved public record;

(b) order implementation of Tex. Gov't Code § 559.004 by directing the Registrar to correct or annotate records so any future transcript/records disclosure includes the corrective hearing record or

Plaintiff's statement;

(c) tax costs; and

(d) grant such further prospective relief as justice requires.

Respectfully submitted,

/s/ Kevin Bass

Kevin Bass (pro se)

Phone: 512-333-4092 | Email: kbassphiladelphia@gmail.com

Note regarding timing:

Plaintiff originally transmitted this petition for electronic filing through the eFileTexas system on November 5, 2025, at approximately 12:00 a.m. Central Time—within minutes of the target date of November 4, 2025. Because the original envelope was later rejected for procedural reasons (caption, filing office, and signature block), Plaintiff re-filed promptly in the correct form and venue. This note is included to demonstrate diligence and good-faith compliance; Plaintiff does not concede any untimeliness.

VERIFICATION (Tex. Civ. Prac. & Rem. Code § 132.001)

My name is Kevin Bass. My date of birth is 12/07/1984. My address is

I declare under penalty of perjury that the facts stated in paragraphs 6–12 of this First Amended Petition are true and correct.

Executed in Lubbock County, Texas, on 11/05/2025, 2025.

/s/ Kevin Bass

Kevin Bass