

CAUSE NO. DC-2025-CV-1817

TB

KEVIN N. BASS,	§	IN THE DISTRICT COURT
	§	OF LUBBOCK COUNTY, TEXAS
Plaintiff,	§	
	§	237th JUDICIAL DISTRICT
v.	§	
	§	
DARRIN D'AGOSTINO, D.O.,	§	
M.P.H., M.B.A., in his official	§	
capacity as Provost and Executive	§	
Vice President of Academics of Texas	§	
Tech University Health Sciences	§	
Center; and	§	
AMANDA McSWEEN, in her official	§	
capacity as Managing Director of	§	
Enrollment Services and University	§	
Registrar of Texas Tech University	§	
Health Sciences Center,	§	
	§	
Defendants.	§	

**PLAINTIFF'S RESPONSE TO DEFENDANTS' PLEA TO THE
JURISDICTION AND, IN THE ALTERNATIVE, PLEA IN ABATEMENT
TO THE HONORABLE JUDGE OF SAID COURT:**

Plaintiff Kevin N. Bass ("Plaintiff"), proceeding pro se, respectfully files this Response to Defendants' Plea to the Jurisdiction or, in the Alternative, Plea in Abatement (the "Plea"), filed February 9, 2026, and would show the Court as follows:

I. INTRODUCTION

This case asks a single question: Must TTUHSC officials perform the ministerial record-inspection and correction/annotation procedure that state law and their own published policy require?

Defendants do not answer that question. Instead, they recast this narrow, procedure-only suit as a collateral attack on the underlying disciplinary decision. It is not. Plaintiff seeks only prospective injunctive relief compelling Defendants to implement a

workable, non-unduly-burdensome education-record inspection/review and correction/annotation procedure required by Texas Government Code Section 559.004 and TTUHSC's own published policy, HSC OP 77.13. No damages are sought. No federal claims are asserted. No challenge to record accuracy or the underlying decision is made in this action.

Defendants' Plea fails for four independent reasons:

First, the ultra vires exception to sovereign immunity applies because Section 559.004 and OP 77.13 impose non-discretionary ministerial duties that Defendants have failed to perform. Defendants' Plea never addresses either provision.

Second, the claims are ripe because OP 77.13's 45-day inspection/review window expired on February 13, 2026--four days after Defendants filed this Plea--without Defendants completing the procedure.

Third, the Plea in Abatement lacks statutory foundation because Rule 93(3) applies only to suits pending "in this State," not to pending federal actions, and is independently defective because it was not verified as Rule 93 requires.

Fourth, even if properly raised, abatement is unwarranted because this state action and the separately filed federal action assert entirely different claims, under different law, seeking different relief, and--after Plaintiff's January 22, 2026 nonsuit of all defendants except D'Agostino and McSween--against a different defendant configuration.

Plaintiff requests oral argument on this matter.

II. STATEMENT OF FACTS

1. TTUHSC is a "state governmental body" within the meaning of Texas Government Code Section 559.001. Pet. ¶9.

2. Texas Government Code Section 559.004 provides:

"A state governmental body shall establish a reasonable procedure under which an individual is entitled to have the body correct information about the individual that is incorrect. The procedure may not unduly burden an individual who wishes to correct information."¹

3. TTUHSC has published HSC OP 77.13, its Student Education Records policy, which implements Section 559.004 for student education records. Pet. ¶¶11-12; Exhibit A. OP 77.13 uses mandatory language throughout:
 - a. The records custodian must "arrange access" for inspection and review within forty-five (45) days of receipt of a written request and "notify the student of the time and place" for inspection. Pet. ¶11(a).
 - b. If a student is uncertain where records are maintained, the student "may submit a written request for assistance to the EVPA." The EVPA is to provide written assistance identifying the custodial office(s). Pet. ¶12.
 - c. OP 77.13 requires the student to identify the part of the record at issue "as precisely as possible" and specify the basis for requesting amendment or annotation. Pet. ¶11(b), (e).
 - d. If amendment is denied, the student has a right to "request a hearing" under OP 77.13, which the EVPA "must arrange" and for which the President "must appoint" the hearing official. Pet. ¶11(c).
 - e. A post-decision dispute-statement remedy requires that a student's written statement "be maintained" with the contested portion and "disclosed whenever the contested portion is disclosed." Pet. ¶11(d).
4. On December 30, 2025, Plaintiff submitted a written request invoking OP 77.13 and Section 559.004 to inspect and review education-record materials relating to his transcript notation "Administrative Dismissal Effective 01-11-2024" and to initiate the correction/annotation process. Pet. ¶13; Exhibit B.
- 4A. Before Plaintiff's formal request, TTUHSC offered limited, time-restricted remote inspection/review sessions and imposed restrictions prohibiting recording, photographing, or otherwise capturing the content shown. In a one-hour remote session on December 12, 2025, Plaintiff was able to review only approximately 20 items from the responsive set that ultimately comprised approximately 1,600 records. At least one remote session was offered with less than 24 hours' notice. Pet. ¶14.
5. TTUHSC's Registrar's office initially scheduled three escorted, in-person inspection sessions (January 5, 6, and 8, 2026) (Exhibits F, G); a fourth session on January 7 was added at Plaintiff's request after learning of an opening (Exhibit K). All sessions ran

9:00 a.m. to 4:00 p.m., under the following restrictions:

a. No copies of any document (Exhibit C); b. No third-party observer (Exhibits E, G); c. No audio recording (Exhibits E, G); d. No spouse as observer, even with a signed FERPA § 99.30 consent form (Exhibits E, G); e. A TTUHSC staff escort present at all times, door required to remain open, and the inspection laptop required to be provided to the escort any time Plaintiff left the room (Exhibit F); and f. A forfeiture threat: "Failure to follow the established protocol will result in you forfeiting the ability to review your record until you can comply with the protocol." (Exhibit E.)

Pet. ¶¶16-19; Exhibits C, E, F, G, K.

6. Under these restrictions, Plaintiff cannot efficiently identify document locations and record components "as precisely as possible" as OP 77.13 requires for an amendment/annotation request. Pet. ¶¶15-22; Exhibit H.
7. OP 77.13's 45-day window from December 30, 2025 expired on February 13, 2026. As of that date, Defendants had not completed the inspection/review process, had not issued any written response to Plaintiff's request, and had not scheduled any hearing under OP 77.13. Pet. ¶¶15, 30. As of February 22, 2026--nine days past the deadline--Defendants have still not responded, and Plaintiff has documented the continued non-compliance in writing. Exhibit D.
8. On January 20, 2026, the Registrar's office responded to Plaintiff's initial amendment/annotation submission with "rejected...resubmit"--declining to process the request on formatting grounds without issuing a substantive written decision under OP 77.13. The published policy contemplates that the records custodian will either grant the requested amendment, deny it and notify the student in writing, or refer the matter for a hearing. "Rejected for formatting" without substantive guidance is not an authorized disposition under OP 77.13; it is a refusal to enter the procedure at all.
9. On January 26, 2026, Plaintiff submitted a Step-2 written request under OP 77.13 and Section 559.004 to Dr. Erin Justyna (TTUHSC Associate Vice President/Provost), requesting amendment and/or annotation of the transcript notation "Administrative

Dismissal Effective 01-11-2024." Exhibit I. Defendant D'Agostino (Provost) and Defendant McSween (Registrar) were both copied on this request. The same day, Plaintiff forwarded the request to TTUHSC's Office of General Counsel for counsel-level coordination. As of the date of this filing, no response has been received from any recipient.

10. On January 27, 2026, Plaintiff submitted a 22-item punch list to the Registrar identifying, by TTUHSC production number (Bass_####), records that were referenced in the materials produced during the January 5-8 inspection but either not produced at all or not produced in a format permitting meaningful review. Exhibit J. No response has been received.

III. STANDARD OF REVIEW

A plea to the jurisdiction challenges the trial court's subject-matter jurisdiction. *Tex. Dep't of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 225-26 (Tex. 2004). This Court applies a two-step analysis:

Step 1: When the plea challenges only the sufficiency of the plaintiff's pleadings, the court construes the pleadings liberally in the plaintiff's favor, accepts all factual allegations as true, and determines whether the plaintiff has alleged facts that affirmatively demonstrate the court's jurisdiction. *Id.* at 226; *County of Cameron v. Brown*, 80 S.W.3d 549, 555 (Tex. 2002).

¹ Section 559.004 uses both mandatory ("shall") and prohibitory ("may not") language, creating dual obligations: the governmental body must establish the procedure and must not impose undue burdens. This statute is part of Chapter 559 of the Texas Government Code (State Government Privacy Policies), enacted by Acts 2001, 77th Leg., ch. 1059, § 1, eff. Sept. 1, 2001. Plaintiff invokes Section 559.004 as an independent state-law obligation, not as a mechanism for enforcing the Family Educational Rights and Privacy Act ("FERPA"). FERPA creates no private right of action. *Gonzaga Univ. v. Doe*, 536 U.S. 273, 290 (2002). FERPA sets a floor, not a ceiling, for student record-access rights, and its savings clauses expressly preserve more-protective state law. See 20 U.S.C. § 1232g(b)(1), (i)(2). Section 559.004 operates independently of and complementarily to FERPA; a state law that reinforces a student's right to inspect and correct his own records runs with FERPA, not against it.

Step 2: When the plea is supported by evidence, the evidentiary standard mirrors that of a traditional motion for summary judgment. The court considers the relevant evidence, takes evidence favorable to the nonmovant as true, and indulges every reasonable inference in the nonmovant's favor. If a genuine issue of material fact exists, the plea cannot be granted. *Miranda*, 133 S.W.3d at 227-28.

Importantly, if the plaintiff's pleadings are deficient but do not affirmatively negate jurisdiction, the court must provide the plaintiff an opportunity to amend before dismissing. *Brown*, 80 S.W.3d at 555.

Defendants' Plea here presents only legal argument and attaches no jurisdictional evidence beyond Plaintiff's own earlier petition and the parallel federal filings. This case is therefore governed by Step 1: the Court should construe Plaintiff's live Fourth Amended Petition liberally, accept its allegations as true, and determine whether it affirmatively demonstrates jurisdiction.

IV. ARGUMENT AND AUTHORITIES

A. THE ULTRA VIRES EXCEPTION APPLIES BECAUSE DEFENDANTS HAVE FAILED TO PERFORM NON-DISCRETIONARY MINISTERIAL DUTIES IMPOSED BY STATUTE AND PUBLISHED POLICY

Sovereign immunity does not bar suit where a plaintiff alleges that state officials have acted ultra vires--that is, "without legal authority" or in failure to "perform a ministerial act." *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009). The Texas Supreme Court has repeatedly confirmed that the ultra vires exception reaches official conduct that conflicts with mandatory statutory or regulatory requirements, even where the official possesses some degree of related discretion. See *Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154, 163 (Tex. 2016); *Hensley v. State Comm'n on Judicial Conduct*, 692 S.W.3d 184 (Tex. 2024).

Defendants argue that academic decisions are discretionary. Plea at 5-7 (citing Ewing, Than, Anderson). Those cases are inapposite. Ewing, Than, and Alcorn involved courts asked to second-guess substantive academic judgments--grade assignments, program admissions, degree denials. Plaintiff does not challenge any academic or disciplinary determination in this proceeding. He asks only that Defendants follow their own published procedures for records inspection and amendment--ministerial obligations that exist regardless of the content of any education record or the nature of any underlying institutional decision. Whether the transcript notation reflects an academic decision, a conduct decision, or something else entirely is irrelevant to whether Defendants must allow inspection under Section 559.004 and process amendment requests under OP 77.13.

Ultra vires claims turn on the scope of the official's legal authority, not the quality of the official's substantive decisions. See *Hartzell v. S.O.*, 672 S.W.3d 304 (Tex. 2023); *Heinrich*, 284 S.W.3d at 372. This Court need not evaluate any substantive judgment to determine whether Defendants have performed the procedural steps that Section 559.004 and OP 77.13 require.

1. Section 559.004 Imposes a Mandatory, Non-Discretionary Statutory Duty

Texas Government Code Section 559.004 provides that a state governmental body "shall establish a reasonable procedure" for record correction and that the procedure "may not unduly burden" an individual. This is classic mandatory, non-discretionary statutory language. "Shall" in Texas statutes ordinarily imposes a mandatory duty. *Helena Chem. Co. v. Wilkins*, 47 S.W.3d 486 (Tex. 2001) ("[S]hall" and "must" "are generally recognized as mandatory, creating a duty or obligation.").

The Texas Supreme Court has held that where a statute uses "shall" and "contains no indication that the [agency] is to conduct any form of review, deliberation, or judgment in exercising its...obligation," the resulting duty is ministerial, not discretionary. *Sw. Bell Tel., LP v. Emmett*, 459 S.W.3d 578 (Tex. 2015). Section 559.004 fits this framework precisely: it

commands ("shall establish"), confers an entitlement ("entitled to have...correct"), and constrains ("may not unduly burden")-- leaving no discretion about whether to provide a workable correction procedure.

The official may exercise judgment about the specific format of the procedure--but whether to provide a workable, reasonable, non-unduly-burdensome procedure at all is not discretionary. This is the distinction between "whether to implement" (ministerial) and "how to implement" (discretionary). Plaintiff challenges only the former. Separately, Section 559.004 also imposes an independent, non-discretionary constraint: the procedure "may not unduly burden an individual who wishes to correct information." This prohibition is self-executing and ministerial--it does not invite the governmental body to balance interests or exercise judgment about what constitutes an "undue" burden. Defendants offered an inspection format that prohibited copies of any document, prohibited audio recording, prohibited a third-party observer, and prohibited Plaintiff's spouse from attending even with a signed FERPA § 99.30 consent form. Pet. ¶¶16-19; Exhibits C, E, G. These cumulative restrictions required Plaintiff to review approximately 1,600 records and a 14-hour hearing video--whose audio record displayed apparent discontinuities upon prior review--across four escorted sessions while relying entirely on handwritten notes, with the laptop provided to the escort each time Plaintiff left the room. Plaintiff has not had the opportunity to review the video recording in full. This format made it structurally impossible to identify record components "as precisely as possible" as OP 77.13 requires for an amendment/annotation request. Pet. ¶¶15-22; Exhibit H. Before the formal request, TTUHSC's remote format had permitted review of approximately 20 items in one hour--structurally incapable of covering the responsive set. Pet. ¶14.

Whether this format constitutes an "undue burden" under Section 559.004 is a legal question this Court can resolve without evaluating any substantive disciplinary determination.

2. OP 77.13 Is TTUHSC's Own "Enabling Law" and Constrains Defendants' Discretion

TTUHSC has published HSC OP 77.13, its Student Education Records policy, as the implementing mechanism for Section 559.004's record-correction duty. OP 77.13 uses mandatory language: the records custodian must "arrange access" within 45 days; the EVPA "must arrange" a hearing upon request; the President "must appoint" a hearing official. These are "shall" and "must" obligations--not discretionary guidelines.

Under Houston Belt, OP 77.13 functions as Defendants' own "enabling law"--the published framework that defines and limits their authority over the record-inspection procedure. Officials whose discretion is limited by their enabling law act *ultra vires* when they exceed those bounds or act "without reference to or in conflict with the constraints of the law authorizing the official to act." Houston Belt, 487 S.W.3d at 163. Just as the drainage-fee official in Houston Belt could not disregard his own ordinance's definitions, Defendants cannot disregard their own policy's mandatory procedural steps.

This is not a case like *Hall v. McRaven*, 508 S.W.3d 232 (Tex. 2017), where the official was interpreting an external "collateral" law (FERPA) under a delegation of unconstrained discretion. Here, the officials are refusing to follow their own published procedure and a state statute that directly commands their conduct. OP 77.13 is the enabling law, not a collateral statute requiring interpretation.

As implemented through OP 77.13, each Defendant bears a specific ministerial role:

- D'Agostino (EVPA): Provide written assistance identifying custodial offices when requested; arrange any hearing triggered by a denial of amendment. Pet. ¶¶2, 12, 33(b).
- McSween (Registrar): Arrange inspection/review access for transcript-related records; accept and process amendment/annotation requests; issue written responses. Pet. ¶¶2, 33(a), (c), (d).

These are not "quintessential discretionary institutional judgments" (Plea at 5). They are procedural processing steps that OP 77.13 assigns to specific offices in mandatory terms.

3. The Texas Supreme Court Has Confirmed That Even Bounded Discretion Supports Ultra Vires Claims

The Texas Supreme Court's most recent ultra vires decision confirms that this claim survives a plea to the jurisdiction. In *Hensley v. State Comm'n on Judicial Conduct*, 692 S.W.3d 184 (Tex. 2024), the Court held that where an official's discretion is "necessarily of the limited sort" because a statute constrains its exercise, "a claim that alleges that the [challenged action] violated [the statute] is a sufficient ultra vires allegation to survive a plea to the jurisdiction." *Id.* As the Court has elsewhere stated: "A public officer has no discretion or authority to misinterpret the law." *Houston Belt*, 487 S.W.3d at 163.

Here, even if Defendants possess some discretion in how they administer education records, their discretion is "necessarily of the limited sort" because Section 559.004 mandates that the procedure be reasonable and not unduly burdensome, and OP 77.13 prescribes specific steps with specific deadlines. Officials cannot invoke discretion to refuse to perform duties that their own enabling law makes mandatory. See *Chambers-Liberty Counties Navigation Dist. v. State*, 575 S.W.3d 339 (Tex. 2019) (officials who exceed boundaries defined by their enabling legislation shed sovereign immunity protection).

4. Defendants' Plea Never Addresses Section 559.004 or OP 77.13

Defendants' Plea does not quote, cite, or analyze Section 559.004. It does not quote, cite, or analyze OP 77.13. It does not address the mandatory statutory language ("shall," "entitled," "may not") or the mandatory policy language ("must arrange," "must appoint"). It does not address the *Houston Belt* or *Hensley* frameworks.

Instead, Defendants argue generically that "academic discipline, transcript designations, and student status determinations are quintessential discretionary institutional judgments." Plea at 5. This conflates two fundamentally different things: (1) the substantive decision about what a record should say (discretionary), and (2) the obligation to run the inspection, review, and correction/annotation procedure at all (ministerial).

Plaintiff challenges only the latter. The petition repeatedly states--in its title, its firewall clause (§7), its factual section (§§9-30), and its prayer (§40)--that Plaintiff does not ask this Court to decide whether any record is accurate, to direct any substantive change to the transcript, or to second-guess any substantive disciplinary determination. Plaintiff asks only that Defendants implement the procedure their own policy requires.

Defendants' silence on Section 559.004 is telling. Plaintiff's petition identifies Section 559.004 as the primary statutory basis for his claims. Pet. §§9-10. Defendants' Plea does not address it. A plea to the jurisdiction that fails to engage with the statute at the heart of the plaintiff's claim effectively concedes that the statute imposes the duties the plaintiff alleges. See *Miranda*, 133 S.W.3d at 227 (the burden shifts to the governmental unit to establish the plea's meritorious basis).

More than silent, Defendants' own position in their parallel federal filing affirmatively contradicts their "no ministerial duty" claim here. In their Motion to Dismiss filed January 21, 2026--nineteen days before filing this Plea--Defendants told the federal court that "even if the hearing did not comply with the procedures set forth in the Student Handbook (which it did)." Plea, Ex. 3 at 15 (parenthetical in original). That concession-- "(which it did)"--presupposes that Handbook procedures impose obligations specific enough to comply with. Compliance is a concept that applies only to mandatory requirements. Officials do not "comply with" discretionary guidelines; they either follow them or they do not. If the Student Handbook procedures are specific enough for Defendants to tell a federal court they complied with them, those procedures are ministerial duties under *Heinrich*--not "discretionary institutional judgments."

Defendants further told the federal court that "Plaintiff's eleventh-hour request prevented Defendants from completing the interactive process contemplated by federal law and TTUHSC policy." Plea, Ex. 3 at 9. This sentence acknowledges that TTUHSC policy mandates an interactive process--a process sufficiently obligatory that Defendants cite its

existence as a defense. If TTUHSC policy creates obligations mandatory enough to serve as a shield in federal court, those same obligations are ministerial duties under Heinrich in this Court. Defendants cannot tell one court that their policies impose mandatory procedures they diligently followed while telling another court--nineteen days later--that no ministerial duties exist.

5. Defendants' Characterization of Plaintiff's Claims as a "Disguised Merits Challenge"

Is Incorrect

Defendants assert that "the relief sought necessarily implicates TTUHSC's disciplinary dismissal and transcript notation" and that Plaintiff "cannot circumvent sovereign immunity by recasting that same academic controversy as a ministerial records dispute." Plea at 5-6.

This mischaracterizes the petition. The relief Plaintiff seeks is an order compelling Defendants to provide a workable inspection/review opportunity and to process Plaintiff's amendment/annotation request through the OP 77.13 procedure. This order would not require the Court to evaluate any substantive disciplinary judgment, alter any transcript notation, reverse any outcome, or direct any substantive change to any record. It would require only that Defendants run the procedure their own policy prescribes--and leave the substantive outcome of that procedure entirely to TTUHSC in this action.

Indeed, Defendants' own position in federal court confirms that a procedure-only order poses no threat to their substantive determinations. In the federal action, Defendants assert that the transcript notation is "[a]n accurate description of a student's enrollment status or disciplinary outcome." Plea, Ex. 3 at 14. If Defendants are confident the notation is accurate, they should have no objection to the OP 77.13 amendment/annotation procedure running its course--the procedure would confirm accuracy. Defendants' simultaneous insistence that the records are accurate and refusal to allow the procedure that would verify accuracy are inconsistent positions.

The Texas Supreme Court addressed the procedure-versus-merits distinction in the university context in *Hartzell v. S.O.*, 672 S.W.3d 304 (Tex. 2023). There, students challenged university officials' conduct in connection with degree revocation proceedings. The university argued that the claims targeted academic judgment. The Court rejected that argument, allowing procedural challenges to proceed. The Court permitted claims alleging that the university "conducted [proceedings] in an ad hoc manner" without adequate notice or impartial decision-makers--procedural challenges, not merits challenges. *Hartzell*, 672 S.W.3d 304; see also *Hall v. McRaven*, 508 S.W.3d 232, 234 (Tex. 2017) ("Ultra vires claims depend on the scope of a state official's authority.").

Plaintiff's claim is narrower than the claims that survived in *Hartzell*. Plaintiff does not, in this state-court proceeding, challenge the conduct of any hearing or the quality of any decision. Plaintiff challenges only the refusal to run a mandatory inspection/review procedure at all. If procedural challenges to how a university conducted adversarial proceedings survive a plea to the jurisdiction under *Hartzell*, then a challenge to a university's refusal to provide any procedure at all survives a fortiori.

6. The Cases Defendants Cite Are Inapposite

Defendants cite *Regents of Univ. of Mich. v. Ewing*, 474 U.S. 214 (1985), and *University of Tex. Med. Sch. at Houston v. Than*, 901 S.W.2d 926 (Tex. 1995), for the proposition that academic decisions are discretionary and entitled to judicial deference. Plea at 5-6. Those cases are inapposite here because Plaintiff does not, in this proceeding, challenge any substantive disciplinary decision. *Ewing* involved a court reviewing the merits of a student's academic performance. *Than* involved a court reviewing a medical school's disciplinary dismissal of a student for academic dishonesty. Neither case involved a state official's refusal to run a mandatory statutory record-inspection procedure.

Defendants also cite *Anderson v. City of Seven Points*, 806 S.W.2d 791, 793 (Tex. 1991), for the definition of a ministerial act: one where "the law clearly spells out the duty to

be performed by the official with sufficient certainty that nothing is left to the exercise of discretion." That definition supports Plaintiff's position. Section 559.004 prescribes that a governmental body "shall" establish a "reasonable procedure" that "may not unduly burden" an individual. OP 77.13 prescribes that the records custodian must "arrange access" within 45 days. There is no discretion about whether to comply with these mandates.

7. Alcorn v. Vaksman Does Not Apply to Procedure-Only Claims

Defendants cite *Alcorn v. Vaksman*, 877 S.W.2d 390 (Tex. App.--Houston [1st Dist.] 1994, writ denied), for the proposition that courts defer to academic judgments. *Alcorn* involved a graduate student's expulsion from a doctoral program where the trial court found the dismissal was motivated by bad faith and violated the student's constitutional rights. *Id.* Plaintiff does not, in this proceeding, challenge any substantive disciplinary judgment. Plaintiff challenges only Defendants' failure to perform the ministerial record-inspection and correction/annotation procedure that Section 559.004 and OP 77.13 require. *Alcorn* is inapposite because it addresses the scope of judicial deference to substantive disciplinary decisions--a question this case does not present.

B. THE CLAIMS ARE RIPE

Defendants argue that the claims are "premature" because "institutional review processes concerning education records remain ongoing and available." Plea at 7. This assertion is factually incorrect.

OP 77.13 provides that the records custodian must "arrange access" for inspection and review within forty-five (45) days of receipt of a proper written request. Pet. ¶11(a). Plaintiff submitted his written request on December 30, 2025. Pet. ¶13. The 45-day window expired on February 13, 2026--four days after Defendants filed this Plea. The timing is significant: Defendants filed their ripeness challenge on February 9, 2026, while the 45-day administrative window was still open--then allowed the deadline to lapse without completing the procedure. Having chosen to seek dismissal rather than comply, Defendants cannot now argue that the

administrative process "remains available."

As of February 13, 2026:

- Defendants had not completed the inspection/review process under a workable format;
- Defendants had not issued any written response to Plaintiff's amendment/annotation request;
- Defendants had not scheduled any hearing under OP 77.13;
- The escorted-session format Defendants offered--no copies, no recording, no observer, no spouse, mandatory laptop return to escort upon leaving the room, and a forfeiture threat--made it structurally impossible for Plaintiff to complete inspection/review and identify record items "as precisely as possible" within the 45-day window. Pet. ¶¶15-22, 30; and
- Defendants have not proposed any alternative arrangement--such as secure portal access, electronic copies, or any other format--to allow completion. Pet. ¶29.

The 45-day deadline has passed. The procedure has not been completed. On February 22, 2026, Plaintiff sent a written follow-up to the Registrar documenting the deadline lapse and requesting written confirmation of how TTUHSC intends to comply; no response has been received. Exhibit D. Meanwhile, the disputed transcript notation is republished to third parties each time an official transcript is requested or issued--a continuing harm that compounds with each day the procedure remains incomplete. Pet. ¶10. The administrative process is not "ongoing and available"--it has lapsed without result.

Moreover, the inspection/review process is not the only avenue that has lapsed. On January 26, 2026, Plaintiff submitted a Step-2 written amendment/annotation request under OP 77.13 to Dr. Justyna, with both named Defendants copied. Exhibit I. As of the date of this filing, the Step-2 request has been pending for thirty-five days with no written decision, no hearing scheduled, and no written response of any kind from any recipient--including the two named Defendants. On January 27, 2026, Plaintiff submitted a detailed 22-item punch list with TTUHSC production numbers for records referenced but not produced during the January 5-8 inspection. Exhibit J. No response has been received.

The record thus reflects that Defendants have failed to perform three distinct ministerial obligations: (1) arranging a workable inspection/review format within 45 days; (2)

processing Plaintiff's Step-2 amendment/annotation request to a written decision; and (3) producing records that were referenced in their own production but not themselves produced. Each is a separate ministerial duty under OP 77.13, and each remains unperformed.

This is not a case where the plaintiff seeks judicial intervention before the agency has reached a final position. The institution's own deadline has passed without compliance. The dispute is ripe.

Defendants themselves have foreclosed the administrative avenue by offering only an inspection format that was structurally incapable of allowing completion within OP 77.13's time limits. When the governmental body itself renders the administrative process unavailable through its own procedural choices, the resulting dispute is ripe for judicial resolution.

Defendants cite *Patterson v. Planned Parenthood of Houston & Southeast Texas, Inc.*, 971 S.W.2d 439 (Tex. 1998), for the proposition that claims must be ripe before judicial intervention. Patterson's ripeness standard requires that the plaintiff's injury be "concrete" and not contingent on future events. *Id.* at 442. That standard is satisfied here. The 45-day deadline has passed. The procedure has not been completed. The injury is not speculative or contingent--it has already occurred. Patterson supports Plaintiff's position, not Defendants'.

Defendants also cite *Texas Department of Protective & Regulatory Services v. Mega Child Care, Inc.*, 145 S.W.3d 170, 198 (Tex. 2004), for the proposition that an agency must reach a "final, definitive position" before judicial intervention is appropriate. Here, the 45-day deadline has passed without a written decision, Defendants filed this Plea seeking dismissal rather than completing the procedure, and no alternative inspection format has been proposed. That is a final position.

Moreover, Defendants' ripeness argument is circular: they argue that administrative review "remains available" while simultaneously asserting that sovereign immunity bars this Court from ordering them to provide that review. Defendants cannot claim that Plaintiff must exhaust a procedure that Defendants themselves refuse to implement.

Defendants' cross-forum positioning further undermines their ripeness claim. In the parallel federal action, Defendants told the federal court that "Plaintiff exhausted the administrative appeal process afforded to him" and that the relief Plaintiff requests is "largely tethered to the already-completed December 2023 hearing." Plea, Ex. 3 at 10. The federal-court frame is that institutional processes are complete--there is nothing left to do. Nineteen days later, Defendants told this Court that "institutional review processes concerning education records remain ongoing and available" and that "no final institutional refusal has occurred." Plea at 7. The state-court frame is that institutional processes are ongoing--Plaintiff has not finished. Defendants cannot simultaneously characterize TTUHSC's administrative processes as exhausted (to defeat federal standing) and ongoing (to defeat state ripeness). Either the processes are complete or they are not.

C. THE PLEA IN ABATEMENT IS PROCEDURALLY DEFECTIVE AND SUBSTANTIVELY UNWARRANTED

1. The Plea in Abatement Lacks Statutory Foundation and Is Procedurally Defective

Texas Rule of Civil Procedure 93(3) requires verification for a plea asserting "[t]hat there is another suit pending in this State between the same parties involving the same claim." Defendants' Plea in Abatement fails under this rule for two independent reasons.

First, Rule 93(3) by its plain text applies only to suits pending "in this State"--that is, in Texas state courts. The federal action Defendants cite (Civil Action No. 5:25-cv-00244-H-BV) is pending in the United States District Court for the Northern District of Texas--a federal court, not a court of this State. Texas procedural law consistently distinguishes between "this State" (state courts) and federal courts. See, e.g., Tex. Civ. Prac. & Rem. Code § 71.051(b) (distinguishing suits "in this state" from suits "in a forum other than this state"); Tex. R. Civ. P. 120a (distinguishing "courts of this state" from other courts). No Texas authority has held that "in this State" under Rule 93(3) encompasses federal courts sitting in Texas. If it does not, then Rule 93(3) provides no statutory basis for a plea in

abatement premised on a pending federal action, and the plea fails as a matter of law.

Second, even if Rule 93(3) encompasses federal actions, Defendants' Plea in Abatement is not verified. It contains no affidavit, no jurat, no verification language, and no sworn statement. The Plea concludes with a standard attorney signature block and certificate of service. See Plea at 10-12. Failure to verify a plea required to be verified under Rule 93 constitutes waiver of the defense. See *Huddleston v. Case Power Equip. Co.*, 748 S.W.2d 102 (Tex. App.--Dallas 1988, writ denied) (holding that failure to file a sworn denial under Rule 93 waived the right to introduce evidence disputing the matter); see also *John Flood of DC Inc. v. Supermedia, L.L.C.*, 408 S.W.3d 645 (Tex. App.--Dallas 2013, pet. denied) (when a matter falls within Rule 93, a general denial is insufficient and verification is required). An unverified Rule 93 plea is not presumed to be true; the matter is deemed admitted, and the admission is conclusive.

Moreover, Defendants' own Plea acknowledges that this Court was the first to acquire jurisdiction (November 5, 2025, vs. the federal filing on November 7, 2025). Under Texas's dominant-jurisdiction rule, if either case should be abated on grounds of duplicative litigation, it is the subsequently filed federal action--not this one. *Wyatt v. Shaw Plumbing Co.*, 760 S.W.2d 245, 247 (Tex. 1988).

The Plea in Abatement should be denied or struck on these grounds alone.

2. Even If Properly Raised, Abatement Is Unwarranted

Regardless of whether the Court treats the plea in abatement as governed by Rule 93(3) or by the Court's inherent authority to manage its docket, the substantive standard is identical: abatement requires pending suits involving the same parties and the same controversy. *Curtis v. Gibbs*, 511 S.W.2d 263, 267 (Tex. 1974); *Wyatt*, 760 S.W.2d at 248. Neither condition is met.

Defendants argue that this state action is "duplicative" of the separately filed federal action (Civil Action No. 5:25-cv- 00244-H-BV) and should be abated. Plea at 8-9. This

argument fails because the two cases have no overlap in claims, legal theories, or requested relief.

On January 22, 2026--simultaneously with the filing of the Fourth Amended Petition--Plaintiff nonsuited all defendants except D'Agostino and McSween without prejudice. The remaining configuration demonstrates the absence of duplication:

	STATE CASE	FEDERAL CASE
Defendants	2 (D'Agostino, McSween)	13+ (TTUHSC + 12+ individuals)
Capacity	Official only	Individual + Official
Claims	Ultra vires (state law) Sec. 559.004 (state statute)	Sec. 504, ADA, 42 U.S.C. § 1983, First Amendment
Relief	Procedure-only injunction	Damages + injunctive
Damages	None	Yes
Federal claims	None	Yes
Legal theories	State ultra vires	Federal constitutional/ statutory

The state case seeks only to compel TTUHSC officials to run the OP 77.13 record-inspection and correction/annotation procedure--as the Fourth Amended Petition's "FIREWALL / PROCEDURE-ONLY SCOPE LOCK" (§7) expressly confirms, disclaiming in this state-court proceeding any challenge to record accuracy, any adjudication of the underlying disciplinary decision, and any federal cause of action.

The federal case asserts constitutional and statutory claims for disability discrimination, retaliation, due process violations, and name-clearing relief. These are complementary, not duplicative.

3. The Interrelationship Test Does Not Support Abatement

Defendants cite *In re J.B. Hunt Transport, Inc.*, 492 S.W.3d 287 (Tex. 2016) for the proposition that courts examine whether controversies are "inherently interrelated." But the test for abatement requires more than a shared factual background--it requires that the cases involve "the same parties" and "the same controversy." *Curtis*, 511 S.W.2d at 267; see also

Wyatt v. Shaw Plumbing Co., 760 S.W.2d 245, 247 (Tex. 1988).

After the nonsuit, the parties are not the same: the state case names two officials; the federal case names the institutional entity and twelve-plus individuals. The controversy is not the same: the state case challenges only post-December 30, 2025 procedural implementation; the federal case challenges a disciplinary process and its continuing effects dating from late 2023. The legal theories are not the same: the state case asserts state ultra vires and Section 559.004; the federal case asserts federal constitutional and statutory claims. The relief is not the same: the state case seeks only a procedure-only injunction; the federal case seeks damages and broader injunctive relief.

Defendants' assertion that D'Agostino and McSween appear in both suits (Plea at 8) does not establish duplication. The two officials are sued in different capacities (official only in state court vs. individual and official in federal court), on different legal theories, for different relief. Overlapping party names do not make different lawsuits duplicative when the claims, legal theories, and relief sought are entirely distinct.

4. The "Claim-Splitting" Argument Is Inapplicable

Defendants assert that Plaintiff "divided a single disciplinary controversy into dual sovereign forums within forty-eight hours" and that "claim-splitting" warrants abatement. Plea at 9. This argument fails for three independent reasons.

First, claim-splitting is a branch of res judicata (claim preclusion) that bars a second suit after the first has reached a final judgment on the merits. See *Pierce v. Reynolds*, 329 S.W.2d 250 (Tex. 1959); *Barr v. Resolution Trust Corp.*, 837 S.W.2d 627, 631 (Tex. 1992). Where both suits remain pending with no final judgment in either, the claim-preclusion framework has no application. The proper mechanism for addressing pending parallel suits is a plea in abatement--which, as shown above, fails both procedurally (for lack of verification under Rule 93) and substantively (because the cases do not involve the same parties, the same claims, or the same relief).

Second, the cases Defendants cite do not support the argument. *Van Dyke v. Boswell, O'Toole, Davis & Pickering*, 697 S.W.2d 381 (Tex. 1985), addressed whether a trial court could grant separate trials on a claim and counterclaim within a single lawsuit and then use collateral estoppel from the first trial to preclude the second. It did not involve a plaintiff filing two separate lawsuits in two separate courts, and it does not establish a general "claim-splitting" prohibition applicable to parallel proceedings in different sovereign forums.

Third, even if claim-splitting doctrine applied, it contains a recognized exception where claims cannot be joined in a single proceeding due to jurisdictional limitations. The state ultra vires claim under Section 559.004 operates through the Texas ultra vires exception to sovereign immunity--a doctrine of Texas state law that federal courts do not apply as a basis for jurisdiction over state officials. The federal claims (42 U.S.C. § 1983, ADA, Section 504) require federal question jurisdiction and seek remedies (compensatory and punitive damages against individuals) unavailable in a state ultra vires action. These claims structurally cannot all be brought in one forum through the same procedural vehicle. Where the plaintiff has no single forum in which all claims can be adjudicated, maintaining separate proceedings is not "claim-splitting"--it is the necessary consequence of the jurisdictional architecture.

5. Immunity "Sequencing" Does Not Warrant Abatement

Defendants argue that the federal court is "presently considering sovereign-immunity and qualified-immunity defenses" and that this Court should await those rulings. Plea at 9.

This argument conflates federal and state immunity doctrines. The federal court is considering Eleventh Amendment sovereign immunity and qualified immunity under 42 U.S.C. § 1983--doctrines that have no application to the state ultra vires claims asserted here. A federal court ruling on qualified immunity for individual-capacity Section 1983 claims would have zero bearing on whether Texas officials have a ministerial duty under Section 559.004 and OP 77.13. The state ultra vires doctrine is governed exclusively by Texas law--Heinrich, Houston Belt, Hensley--and is within this Court's sole competence to

adjudicate.

Defendants also cite *Mitchell v. Forsyth*, 472 U.S. 511 (1985), for the principle that immunity is an "entitlement not to stand trial." *Mitchell* is a federal qualified immunity case involving a Fourth Amendment damages claim against the former Attorney General of the United States, addressing whether federal interlocutory appeal is available from denial of qualified immunity. *Id.* at 525-26. *Mitchell* has no application to state ultra vires claims. The ultra vires exception to sovereign immunity is a distinct Texas doctrine governed exclusively by *Heinrich*, *Houston Belt*, and *Hensley*--not by federal qualified immunity precedent. The mere fact that both doctrines involve some form of governmental immunity does not make federal qualified immunity case law relevant to the state ultra vires analysis.

Defendants also cite *Harris County v. Sykes*, 136 S.W.3d 635 (Tex. 2004), for the principle that immunity shields governmental entities from suit. But *Sykes* addressed sovereign immunity under the Texas Tort Claims Act--a context in which immunity applies because the claims fell within the Act's framework. Here, the ultra vires exception means immunity does not apply. *Heinrich*, 284 S.W.3d at 372. *Sykes*'s holding that dismissal is with prejudice when claims fall outside the Tort Claims Act's waiver has no bearing on ultra vires claims, which operate outside the immunity framework entirely.

Moreover, this Court was the first to acquire jurisdiction (November 5, 2025, vs. the federal filing on November 7, 2025). Under Texas's dominant-jurisdiction rule, the court in which suit is first filed acquires dominant jurisdiction to the exclusion of other courts. *Wyatt*, 760 S.W.2d at 247; *Curtis*, 511 S.W.2d at 267. Defendants do not address this principle. If either case should be abated on grounds of duplicative litigation, it is the subsequently filed federal action--not this one.

Finally, Defendants invoke "comity and judicial economy." *Plea* at 9. Comity does not require a state court to defer to a federal court on a state-law question that the federal court has no jurisdiction to adjudicate. The Texas ultra vires doctrine is exclusively a creature of Texas

state law, and this Court's adjudication of that doctrine neither conflicts with nor duplicates any federal proceeding.

6. No Risk of Inconsistent Rulings

Defendants argue that parallel proceedings create a risk of "inconsistent rulings." Plea at 9. There is no such risk here because the two courts would be adjudicating entirely different legal questions. This Court would determine only whether Defendants must run the OP 77.13 procedure. The federal court would determine whether TTUHSC violated the ADA, Section 504, the First Amendment, and procedural due process. These are independent legal questions with no possibility of inconsistent results. An order requiring Defendants to implement the record-inspection procedure prescribed by their own policy cannot conflict with any ruling the federal court might issue on constitutional or statutory claims arising from the December 2023 disciplinary proceedings.

Indeed, the only inconsistency risk runs against Defendants, not Plaintiff. Defendants ask this Court to treat the two proceedings as "functionally duplicative" involving "the same disciplinary nucleus." Plea at 8. Yet across those same proceedings, Defendants take irreconcilable positions: in federal court, they assert that specific Handbook procedures exist, that they were followed, and that TTUHSC policy mandates an interactive process (Plea, Ex. 3 at 9, 15); in this Court, they assert that "no ministerial duty exists" and that all such determinations are "quintessential discretionary institutional judgments." Plea at 5-6. Defendants cannot simultaneously argue that the cases present the same controversy while taking contradictory positions across those same cases. The inconsistency confirms that each proceeding presents distinct legal questions requiring independent adjudication--precisely the opposite of what abatement requires.

D. PLAINTIFF'S PETITION DOES NOT AFFIRMATIVELY NEGATE JURISDICTION, AND PLAINTIFF SHOULD BE GRANTED LEAVE TO AMEND IF ANY DEFICIENCY IS FOUND

Even if this Court were to find any pleading deficiency, Plaintiff's petition does not "affirmatively negate" jurisdiction. Under *County of Cameron v. Brown*, 80 S.W.3d 549, 555 (Tex. 2002), the Court must provide the plaintiff an opportunity to amend before dismissing where the pleadings are merely deficient rather than affirmatively negating jurisdiction.

Plaintiff's petition identifies specific statutory authority (Section 559.004), specific policy provisions (OP 77.13), specific officials with defined ministerial roles (the EVPA and the Registrar), specific facts demonstrating non-compliance (the escorted format, the restrictions, the 45-day deadline expiration), and specific prospective relief (procedure-only injunction). Any deficiency in these pleadings is curable, and Plaintiff respectfully requests leave to amend if the Court identifies any such deficiency.

Moreover, dismissal would leave Plaintiff with no forum to enforce Section 559.004's record-procedure obligation. The federal court does not adjudicate Texas ultra vires claims--that doctrine operates exclusively under state law (*Heinrich*, *Houston Belt*, *Hensley*) and provides no basis for federal jurisdiction over state officials. No other procedural vehicle exists to compel state officials to perform state-law ministerial duties outside the Texas ultra vires framework. If this Court declines jurisdiction, the Legislature's mandatory "shall establish" and prohibitory "may not unduly burden" commands in Section 559.004 become effectively unenforceable for this Plaintiff--a result the ultra vires exception was designed to prevent.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff Kevin N. Bass respectfully requests that this Court:

1. DENY Defendants' Plea to the Jurisdiction in its entirety;
2. DENY Defendants' Plea in Abatement in its entirety, or strike the Plea in Abatement as lacking statutory foundation under Texas Rule of Civil Procedure 93(3) and as

procedurally defective for failure to verify;

3. In the alternative, if the Court finds any pleading deficiency, GRANT Plaintiff leave to amend within thirty (30) days to cure any curable defect;
4. Set this matter for hearing at the Court's earliest practical availability;
5. Grant Plaintiff such other and further relief, at law or in equity, to which he may be justly entitled.

Respectfully submitted,

/s/ Kevin N. Bass
KEVIN N. BASS (pro se)

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████████████████████

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Email: kbassphiladelphia@gmail.com

EXHIBIT INDEX

The following exhibits are attached to this Response:

Exhibit	Description
A	HSC OP 77.13 ("Student Education Records"), TTUHSC Operating Policy and Procedure, March 31, 2017 (full text, 9 pages)
B	Student Request to Access His/Her Education Records form (Attachment B to OP 77.13), signed December 22, 2025, submitted December 30, 2025
C	December 3, 2025 email from Office of the Registrar to Kevin Bass (no-copy restriction, proposed Zoom session schedule)
D	February 22, 2026 follow-up letter from Kevin Bass to Office of the Registrar (documenting 45-day deadline expiration)
E	Email chain: December 30, 2025 email from Office of the Registrar to Kevin Bass (denying observer, recording, and spouse; threatening forfeiture of review rights) and Kevin Bass's January 2, 2026 reply (submitting FERPA § 99.30 consent form designating spouse as authorized recipient; requesting written policy basis for any refusal)

F	December 19, 2025 email from Office of the Registrar to Kevin Bass (proposed inspection schedule, escort protocol, open-door and laptop-surrender conditions)
G	Email chain: December 23, 2025 Registrar reschedule from Dec 29-31 to Jan 5/6/8; Kevin Bass's December 23 and December 25, 2025 replies (confirming attendance and requesting audio recording, remote witness, or spouse as observer alternatives)
H	March 1, 2026 unsworn declaration of Kevin Bass re: session limitations (~1,600 records / ~1,500 pages in 4 days, 14-hour hearing video not reviewed in full, no alternative proposed)
I	January 26, 2026 email from Kevin Bass to Dr. Erin Justyna (Step-2 OP 77.13 written request to amend/annotate transcript notation "Administrative Dismissal Effective 01-11-2024"), with CC to Defendant D'Agostino, Defendant McSween, and TTUS Assistant General Counsel Staugaard
J	January 27, 2026 email from Kevin Bass to Office of the Registrar (22-item punch list identifying records referenced but not produced during January 5-8 inspection, with TTUHSC production numbers)
K	January 6, 2026 email chain between Kevin Bass and Office of the Registrar confirming addition of Wednesday, January 7, 2026 (9 AM to 4 PM) to the previously scheduled inspection sessions of January 5, 6, and 8

CERTIFICATE OF SERVICE

I certify that on March 2, 2026, a true and correct copy of the foregoing Plaintiff's Response to Defendants' Plea to the Jurisdiction and, in the Alternative, Plea in Abatement was served in accordance with Texas Rule of Civil Procedure 21a upon:

Scott D. Smith
Assistant Attorney General
Office of the Attorney General of Texas
General Litigation Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Telephone: (512) 917-3132
Email: scott.smith@oag.texas.gov
via the electronic filing manager.

/s/ Kevin N. Bass
Kevin N. Bass

VERIFICATION

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

My name is Kevin N. Bass. My date of birth is December 7, 1984. My address is [REDACTED]

I declare under penalty of perjury that the factual statements in the foregoing document are true and correct.

Executed in Lubbock County, Texas, on March 2, 2026.

/s/ Kevin N. Bass
Kevin N. Bass

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Exhibit B	Student Request to Access Education Records Form (Dec 22/Dec 30, 2025)
Exhibit C	Registrar Email — No-Copy Restriction & Zoom Schedule (December 3, 2025)
Exhibit D	Follow-Up Letter — 45-Day Deadline Expiration (February 22, 2026)
Exhibit E	Registrar Denials & FERPA Consent Form Submission (Dec 30, 2025 – Jan 2, 2026)
Exhibit F	Registrar Inspection Protocol (December 19, 2025)
Exhibit G	Reschedule Chain & Denied Alternatives (December 23–25, 2025)
Exhibit H	Unsworn Declaration of Kevin N. Bass (March 1, 2026)
Exhibit I	Step-2 Amendment Request to Dr. Justyna (January 26, 2026)
Exhibit J	22-Item Records Punch List (January 27, 2026)
Exhibit K	Schedule Change — January 7 Addition (January 6, 2026)

CAUSE NO. DC-2025-CV-1817
KEVIN N. BASS v. D'AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT A

HSC OP 77.13 — STUDENT EDUCATION RECORDS

Date:	March 31, 2017
Description:	TTUHSC Operating Policy and Procedure governing student education records, including inspection/review rights under FERPA, amendment/annotation procedures, and 45-day compliance deadline. Full text, 9 pages.

Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 77.13, Student Education Records

PURPOSE: This Health Sciences Center Operating Policy and Procedure (HSC OP) is intended to implement the provisions of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and other federal and state laws governing access to and confidentiality of records and information pertaining to Students. To the extent that there is any dispute regarding the terms and conditions of this policy, the provisions of FERPA will prevail in each instance, notwithstanding anything in this policy which may provide otherwise.

REVIEW: This HSC OP will be reviewed on March 1 of every odd-numbered year (ONY) by the TTUHSC Registrar and the Senior Associate General Counsel, with recommendations for revisions forwarded to the Executive Vice President for Academic Affairs by May 1.

POLICY/PROCEDURE:

1. Definitions

- a. Directory Information. "Directory Information" is information in a Student's Education Record that would not generally be considered harmful or an invasion of privacy if disclosed.
 - (1) The following information is designated by TTUHSC as Directory Information:
 - (a) Student's name, address, previous institution(s) attended, major field of study, dates of attendance, enrollment status (e.g., undergraduate or graduate, part-time or full-time), classification, degree(s) conferred, date(s) of degree(s) (including degrees from previous institutions), honors and awards (including scholarships), participation in officially recognized activities, and postgraduate training/clinical sites for R.N., M.D. or Ph.D. graduates and degree candidates.
 - (2) "Dates of Attendance" means the period of time during which a Student attends or attended TTUHSC, such as an academic year, a spring semester, or a first quarter. The term does not include specific daily records of a Student's attendance at TTUHSC.
- b. Education Records. "Education Records" are records that are directly related to a Student and that are maintained by TTUHSC or by a party acting for TTUHSC. The term does not include:
 - (1) Records of instructional, administrative and educational personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
 - (2) Records of the Texas Tech Police Department, subject to the provisions of 34 C.F.R. 99.8;
 - (3) Records relating solely to an employee of TTUHSC in his/her capacity as an employee that are not available for any other purpose, unless the Student is employed as a result of his/her status as a Student;
 - (4) Student medical and counseling records created, maintained, and/or used only in connection with providing medical treatment or counseling to the Student, that are not disclosed to anyone other than the individuals providing the treatment; and,
 - (5) Alumni records or other records that contain information about an individual after he/she is no longer a Student at that agency or institution (e.g., information gathered on the accomplishments of alumni).

- c. Eligible Student. An “Eligible Student” is a Student who has reached the age of 18 or is attending an institution of postsecondary education.
- d. Legitimate Educational Interest. A “University Official” has a “Legitimate Educational Interest” if the official is:
 - (1) Performing a task that is specified in his/her position description or responsibilities designated by contract or state law;
 - (2) Performing a task related to a Student’s education;
 - (3) Performing a task related to the discipline of a Student; or,
 - (4) Providing a service or benefit relating to the Student or Student’s family, such as health care, counseling, job placement, or financial aid.

Questions regarding “Legitimate Educational Interest” should be referred to the Registrar or the Dean of the school in which the Student is enrolled. Instances of dispute regarding “Legitimate Educational Interest” will be resolved by the Executive Vice President for Academic Affairs.

- e. Records Custodian. TTUHSC office or individual responsible for maintaining a specific Education Record.
- f. Student. A “Student” is any individual who is or has been in attendance at TTUHSC, either full-time or part-time, pursuing undergraduate, graduate or professional studies, and regarding those individuals for whom TTUHSC maintains Education Records, but specifically excluding School of Medicine House staff.
 - (1) “Attendance” means enrollment in a course that is taken in person, by correspondence, electronic distance education or other means.
 - (2) An individual who is or has been enrolled in one component unit of TTUHSC and applies for admission to a second unit, has no right to inspect the records accumulated by the second unit until enrolled therein.
- g. University. “University” means Texas Tech University Health Sciences Center (TTUHSC), inclusive of all regional sites and their components.
- h. “University Official.” A “University Official” includes:
 - (1) A person employed by TTUHSC in an administrative, supervisory, academic, research, or support staff position, including, but not limited to, law enforcement unit personnel and health staff;
 - (2) A person or organization with whom TTUHSC has contracted, such as an attorney, auditor, or collection agent;
 - (3) A Student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks;
 - (4) A person serving on the Texas Tech Board of Regents; or,
 - (5) A person or organization acting as an agent of TTUHSC and performing a business function or service on behalf of the University.

2. **Release of Directory Information (34 C.F.R. 99.3; 34 C.F.R. 99.37)**

- a. Subject to Sections 2(b)-(c) and (3) below, a Student may request that his/her Directory Information be withheld at any time by:
 - (1) Submitting a written request to the TTUHSC Registrar’s Office to withhold the information; or,
 - (2) Changing the Directory Information release indicator via <http://webraider.ttuhs.edu>.

- b. A request to withhold Directory Information may take up to one (1) business day to process and may not be effective until such time.
- c. A Student's notification to restrict the release of Directory Information will remain in effect until the Student either:
 - (1) Submits written notice to the TTUHSC's Registrar's Office to release the information; or,
 - (2) Changes the Directory Information release indicator via <http://webraider.ttuhsu.edu>.
- d. If an "Unlisted in Web Directory" is indicated in Banner for a Student, that Student's name will not appear in the commencement bulletin and other University publications, and employers, credit card companies, loan agencies, friends, parents, relatives, news media and the like will be denied any Directory Information.
- e. TTUHSC may disclose Directory Information about a former Student, unless the Student, at his or her last opportunity as a Student, requested that Directory Information not be disclosed and the Student has not informed TTUHSC, either electronically or in writing, to the contrary.

3. **Disclosure of Education Records (34 C.F.R. 99.31)**

- a. TTUHSC will disclose information from a Student's Education Records only with the written consent of the Student (Student Consent to Release Education Records form, Attachment A), except for disclosures in the following situations.
 - (1) University Officials. University Officials determined by TTUHSC to have a Legitimate Educational Interest in the records.
 - (2) Agents of TTUHSC. Agents acting on behalf of TTUHSC (e.g., Clearinghouses, degree/enrollment verifiers, etc.)
 - (3) Officials of Another School. Officials of another school in which a Student seeks or intends to enroll.
 - (4) U.S. Government Officials. Certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities in connection with an audit, authorized representatives of the U.S. Attorney General, or certain state or federally supported education programs.
 - (5) Financial Aid. Individuals needing this information to determine the eligibility of a Student for financial aid, the amount or conditions of a Student's financial aid, or to enforce the terms and conditions of a Student's financial aid.
 - (6) State and Local Officials. State and local officials and authorities to whom disclosure is specifically allowed pursuant to state statute adopted:
 - (a) before November 19, 1974, if the allowed disclosure concerns the juvenile justice system and that system's ability to effectively serve the Student whose records are released; or,
 - (b) after November 19, 1974, if the allowed disclosure concerns the juvenile justice system and that system's ability to serve effectively, prior to adjudication, the Student whose records are released, and if the officials to whom the information is disclosed certify in writing to TTUHSC that the information will not be disclosed to any other party without the Student's written consent, except as provided under state law.
 - (7) Organizations Conducting Studies. Organizations conducting certain studies for or on behalf of the University for those functions set forth in 34 CFR 99.31.
 - (8) Accrediting Organizations. Accrediting organizations to carry out their functions.
 - (9) Parents of Dependent. Parents, as defined in 34 CFR 99.3, of an Eligible Student who claims the Student as a dependent for income tax purposes, provided that the parent provides adequate written documentation of the dependent status.
 - (10) Subpoena or Judicial Order. Individuals requiring such information by means of a judicial order or a lawfully issued subpoena, provided that TTUHSC makes a reasonable attempt to inform the Student in advance of compliance with the order or subpoena. TTUHSC's

notice to the Student will be in writing and inform the Student that it has received an order or a subpoena, that it intends to comply (if it does) 14 calendar days from the date of the notice, and that a motion to quash by the Student must be filed before the date TTUHSC intends to comply with the order or subpoena. However, TTUHSC will not inform the Student when:

- (a) A federal grand jury subpoena and the court have ordered that the existence or the contents of the subpoena, or the information furnished in response to the subpoena, not be disclosed; or,
- (b) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena, or the information furnished in response to the subpoena, not be disclosed.

If a Records Custodian or other University Official receives a court order, a subpoena, or similar document, such individual should immediately contact the Office of General Counsel and the respective Dean's Office.

- (11) Health and Safety. Appropriate parties in a health or safety emergency, subject to 34 CFR 99.36.
- (12) Directory Information. Individuals requesting a Student's "Directory Information," unless the Student has requested such Directory Information be withheld. Refer to Section 7 above, Release of Directory Information.
- (13) Parent (when Student is under 18). Parent of a Student who is not an Eligible Student.
- (14) Victims – Violence or Non-forcible Sex Offenses. Alleged victims of any crime of violence or a non-forcible sex offense, subject to the requirements in 34 CFR 99.39. The disclosure may only include the final results of any disciplinary proceeding related to the alleged crime or offense, regardless of whether TTUHSC concluded a violation was committed. As used herein, the term "crime of violence" means arson, assault offenses, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping/abduction, robbery and forcible sex offenses, as those terms are defined by 29 CFR 99.39, and the term "non-forcible sex offense" means statutory rape or incest. The term "final results" means a decision or determination made by any entity or individual authorized to resolve disciplinary matters. Disclosure of final results may include the name of the student who is the alleged perpetrator, any violation committed and any sanction imposed (including description of disciplinary action, date imposed and the sanction's duration).
- (15) Third Parties – Violence or Non-forcible Sex Offenses. Third parties regarding the final results of any disciplinary proceeding against a Student who is an alleged perpetrator of any crime of violence or non-forcible sex offense, if on or after October 7, 1998, the Student is found responsible for violating the University's rules or policies with respect to such crime or offense. Such disclosure shall include only the name of the Student, the violation committed, and any sanction imposed by TTUHSC on that Student. Such disclosure may include the name of any other Student, such as a victim or witness, only with the written consent of that other Student.
- (16) Parent or Legal Guardian – Alcohol or Drugs Violations. Parent or legal guardian of a Student regarding information with respect to a violation of federal, state or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the Student's Education Records, if the Student is under the age of 21 at the time of disclosure to the parent, and TTUHSC determines that the Student is responsible for a disciplinary violation with respect to such use or possession.
- (17) Legal Action by TTUHSC against Parent or Student. TTUHSC may disclose to the court, without a court order or subpoena, if TTUHSC initiates legal action against a parent or Eligible Student. TTUHSC may disclose the Education Records of a Student that are relevant for TTUHSC to precede with legal action. In addition, if a parent or Eligible Student initiates legal action against TTUHSC, TTUHSC may disclose to the court, without a court order or subpoena, the Student's Education Records that are relevant for TTUHSC to defend itself. The Office of General Counsel should be consulted before TTUHSC discloses Education Records to a court pursuant to this section.

- (18) Student Exchange Visitor Information System. The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) for the purpose of complying with Request Form ICE relative to TTUHSC's participation in Student Exchange Visitor Information System (SEVIS).
 - (19) Military Recruiters. Military recruiters who request "Student Recruiting Information" for recruiting purposes only (Solomon Amendment, 10 U.S.C. § 983; 32 C.F.R. Part 216), unless the Student has elected to withhold this information under Section 2 above. Student Recruiting Information is name, address, telephone listing, age (or year of birth), class level, major, degrees received and most recent educational institution of enrollment.
 - (20) Internal Revenue Service. The Internal Revenue Service (IRS) for purposes of complying with the Taxpayer Relief Act of 1997.
 - (21) Veterans Affairs. Authorized representatives of the Department of Veterans Affairs for Students receiving educational assistance from the agency.
- b. When personally identifiable information is disclosed from a Student's Education Records pursuant to his/her written consent, the Student may, upon request, obtain a copy of the information disclosed.
 - c. Each Records Custodian shall maintain with the Student's Education Records documentation for each disclosure request that he/she receives and each disclosure, except the following disclosures:
 - (1) To the Student himself or herself;
 - (2) Pursuant to the written consent of the Student;
 - (3) To University Officials with Legitimate Educational Interest(s);
 - (4) Pursuant to a law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena shall not be disclosed or the order concerns an authorized investigation or prosecution of domestic or international terrorism; or,
 - (5) Directory Information. (34 C.F.R. 99.32).

4. **Review and Inspection of Education Records by Student (34 C.F.R. 99.10- 99.12)**

- a. Education Records Subject to Inspection. With certain exceptions, a Student has the right to inspect and review his/her Education Records.
- b. Education Records **Not** Subject to Inspection (34 C.F.R. 99.12). Some records related to a Student may be "Education Records", but are not subject to inspection by the Student. TTUHSC reserves the right to refuse the inspection and review of certain records, including, but not limited to:
 - (1) Financial information submitted by the Student's parents, if applicable;
 - (2) Confidential letters and statements of recommendations associated with admissions, employment or job placement, or honors, to which the Student has waived rights of inspection and review;
 - (3) Confidential letters and statements of recommendation placed in the Education Records of the Student prior to January 1, 1975, as long as the statements are used solely for the purposes for which they were specifically intended; and,
 - (4) Education Records containing information regarding more than one Student, in which case TTUHSC will permit access only to the part of the record that pertains to the inquiring Student.
- c. Student Requests for Access of Education Records.
 - (1) A Student's request for access to his/her Education Records should be made by completing a Student Request for Access to His/Her Education Records form

- (Attachment B) and returning the form to the Records Custodian. The Student must identify as precisely as possible the record(s) the Student wishes to inspect.
- (2) Although principal locations for Student Education Records are referenced below, a Student is in the best position to determine which offices or officials are likely to possess his/her Education Records. If a Student is uncertain as to what office maintains the records at issue, the Student shall submit a written request for assistance to the Executive Vice President for Academic Affairs.
 - (3) Proper photographic identification must be presented to the Records Custodian before the documents may be reviewed.
 - (4) Records authorized to be disclosed under FERPA will be made available to the Student within forty-five (45) days from the Records Custodian's receipt of the written request. If the records are not excepted from access, and are covered by FERPA, the Records Custodian will make arrangements for access and notify the Student of the time and place the records may be inspected.
 - (5) Copies of all written requests are to be maintained in the Student file in which the requested educational record is maintained.
- d. Principal Locations for Student Education Records. Any TTUHSC office or official may possess an Education Record regarding a Student. A Student is in the best position to determine which offices or officials are likely to have his/her Education Records. Records Custodians include, but are not limited to, the following offices and/or officials:
- (1) Academic Records
 - (a) Registrar's Office – admission records, basic scholastic records, and disciplinary records when a Student is placed on suspension or is dismissed;
 - (b) Dean's Office for each School – academic progress and disciplinary records; or,
 - (c) Admissions Office for each School – admission records.
 - (2) Student Services Records
 - (a) Registered Student organizations records;
 - (b) Disabled Student Records (ADA); or
 - (c) Disciplinary records.
 - (3) Financial Records.
 - (a) Student Business Services – Student tuition and fees; or,
 - (b) Student Financial Aid – Student loans.
- e. Copies of Education Records (34 CFR 99.10(d)).
- (1) Generally, if the Education Record is covered under FERPA, the Student may inspect or review the Education Record at the office of the Records Custodian, but does not have the right to receive copies of the Education Record unless a Student is effectively prevented from onsite inspection or review of his/her Education Record. The Student may then have a right to receive copies of the Education Record at the Student's expense after evaluation of the circumstances by the Records Custodian.
 - (2) Official copies of academic records or transcripts will not be released for Students who have a delinquent or unpaid financial obligation to the University, have a "hold" at the University, or have an unresolved disciplinary action pending at the University, provided that applicable law does not otherwise require disclosure of the records.
 - (3) While TTUHSC is not required to give student access to treatment records under FERPA (see section 1(b)(4) above), a Student may request in writing that those records be reviewed by a physician or other appropriate professional of the student's choice.

5. **Student's Request to Amend Records (34 C.F.R. 99.20-99.22)**

- a. Informal Discussion. A Student who believes that his/her Education Records are inaccurate or misleading, or that the records violate his/her privacy rights, must first request an informal discussion regarding the questionable item with the Records Custodian, who may or may not honor the request.

- b. Written Request to Amend Records. If the result of the informal discussion with the Records Custodian is not satisfactory to the Student, and the Student still wishes to have the record corrected, the Student should submit a Student Request to Amend Education Records form (Attachment C) to the Executive Vice President for Academic Affairs or designee. The request shall clearly identify the part of the record the Student believes should be changed, and specify why it should be changed, i.e., why the Student believes the record is inaccurate, misleading or in violation of his/her privacy rights. **[Note: The substantive judgment of a faculty member regarding a Student's work, expressed in grades or evaluations, is not within the purview of the right to seek amendment of Education Records under this section. This section does not include procedures for Students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student handbooks for each School and the TTUHSC Student Handbook/ Code of Professional and Academic Conduct.]**
- c. Review by the Executive Vice President for Academic Affairs. After receiving the written request from the Student for a change in his/her Education Records, the Executive Vice President for Academic Affairs ("EVPAA") or designee shall request, and the Records Custodian shall provide, a written statement that explains why the request for the change in the Education Record was denied at the informal stage. After reviewing the request by the Student and the response of the Records Custodian, the EVPAA or designee will provide written notification to the Student whether or not TTUHSC will implement the change. If not, the EVPAA or designee will notify the Student of the right to a hearing to challenge the information believed by the Student to be inaccurate, misleading, or in violation of the Student's rights.
- d. Hearing Procedures (34 C.F.R. 99.22). Upon receiving a written request from the Student for a hearing, the EVPAA or designee shall arrange for a hearing and provide written notice to the Student reasonably in advance of the date, time and place of the hearing. The hearing will be conducted according to the following procedures:
- (1) The hearing shall be conducted by a hearing official or committee appointed by the President or designee. Such individual(s) must have no direct interest in the outcome of the case and shall decline to serve if a conflict of interest, or an appearance of a conflict of interest, exists with either the Student or the Records Custodian.
 - (2) At least five (5) days prior to the date scheduled for the hearing, the Student and the Records Custodian, shall submit to each other, as well as to the hearing official or committee, any and all pertinent documents and a list of witnesses and advisors who are to be involved in the hearing process. The Student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. If the Student has an advisor, the Office of General Counsel shall represent the University. The Student and the Records Custodian are each responsible for presenting relevant information. Therefore, the advisors and/or attorneys for the Parties are not permitted to speak or participate directly in the hearing.
 - (3) At the hearing, the Student shall have the opportunity to present evidence to support his/her position that the content of the relevant educational record is inaccurate, misleading and/or otherwise in violation of the privacy rights of the Student.
 - (4) Any additional information regarding the hearing procedures will be provided to the Student when notified of the right to a hearing.
 - (5) Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the Student, the Records Custodian, and the EVPAA or designee. The decision must include a summary of the evidence and the reasons for the decision. If, as a result of the hearing, the hearing official or committee determines that the information in the Education Record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the Student, the Student will be notified of the right to place a statement in the record contesting the information in the record or stating why the Student disagrees with the

decision of the agency or institution, or both. Any statement provided by the Student shall be maintained with the contested portion of the record for as long as the record is maintained. In the event the contested portion of the record is later requested, the statement shall be disclosed with the record to the extent it pertains to the contested portion.

6. Annual Notice

Students will be notified of their FERPA rights annually through the *TTUHSC Student Handbook / Code of Professional and Academic Conduct*, the TTUHSC orientation process, and the Office of the Registrar website located at <http://www.ttuhs.edu/registrar>. The *TTUHSC Student Handbook* and this operating policy and procedure are available in hard copy to all Students who request it. In addition to this notice, individual TTUHSC schools may annually notify Students of their rights under FERPA.

7. Address and Phone Numbers of Record

Students shall maintain an accurate, local physical address, with the TTUHSC Registrar's Office. These addresses are used for official notifications including, but not limited to, grade reports, billing, and notification of university requirements and other correspondence. In addition, Students may provide current telephone numbers to the Registrar's Office.

8. Complaints (34 C.F.R. 99.63)

A Student has the right to file a complaint within 180 days of the alleged violation with the U.S. Department of Education concerning alleged failures by TTUHSC to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605.

9. Student Information System for TTUHSC Employees

- a. Banner is an integrated online and web-based student information system that includes admissions, student records and financial aid information.
- b. Each individual requesting access must complete the FERPA training referenced below and the Confidentiality Agreement (Attachment D) and request access at <http://team.texastech.edu>. The individual must select the "Request Access to Banner" link and complete the required steps provided. Each School will have their Student Security Administrator evaluate the request, determine whether access should be granted, and forward their approval to the TTUHSC Registrar to grant the appropriate access level, if any.
- c. Each individual given access to Banner will be assigned a user name and password. In all transactions, employees shall use their own user name and passwords. Each employee shall keep his/her password confidential.
- d. When additional access is needed, the employee shall make a request for additional access to the School Student Security Administrator.
- e. If a personnel change occurs, the Department Head/Supervisor shall notify the School Student Security Administrator, and they will inform the TTUHSC Registrar to modify access when an employee terminates employment or transfers to another department or campus.

10. **FERPA Training**

- a. As part of the general orientation of all new employees, the TTUHSC Office of Human Resources will provide a brief introduction to FERPA and reference this policy.
- b. In addition to the brief introduction for all employees, all new and existing faculty, staff and volunteers who have access to Education Records shall receive detailed training regarding FERPA and this policy. This training will be administered through the TTUHSC Registrar's Office.
- c. All training shall be documented in the Registrar's Office. New employees (faculty and staff) must complete the online FERPA training before obtaining BANNER Student access, including access to the faculty and/or advisor portal in Webraider or grade course section access. FERPA training will be required every two years for all faculty and staff. FERPA compliance will be reviewed by the Office of the Registrar quarterly. All faculty and staff who are not compliant will be notified by the Registrar and have 7-10 working days to become compliant. After 10 working days, all access to the student information system will be removed until training is completed and the Office of the Registrar is notified through the TEAM site requesting access.

11. **Disciplinary Action**

- a. An individual who uses or discloses information from an Education Record, or allows access to an Education Record by another individual, in violation of this policy and/or state or federal laws and regulations may be subject to disciplinary action, including, but not limited to, dismissal/termination from TTUHSC.
- b. Inappropriate use or misuse of Student Education Records is also a violation of federal and state laws and regulations and could result in criminal and/or civil prosecution.

12. TTUHSC reserves the right to interpret, change, modify, amend or rescind any policy in whole or in part at any time without the consent of employees, faculty or Students.

Attachments: Attachment A, [Student Consent to Release Education Records](#)
Attachment B, [Student Request to Access His/Her Education Records](#)
Attachment C, [Student Request to Amend Education Records](#)
Attachment D, [Confidentiality Agreement](#)

CAUSE NO. DC-2025-CV-1817

KEVIN N. BASS v. D'AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT B

STUDENT REQUEST TO ACCESS EDUCATION RECORDS FORM

Date: Signed December 22, 2025; submitted December 30, 2025

Description: Student Request to Access His/Her Education Records form (Attachment B to OP 77.13), completed and signed by Kevin Bass on December 22, 2025, and submitted to the TTUHSC Office of the Registrar on December 30, 2025, invoking OP 77.13 and Texas Government Code Section 559.004.

Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

STUDENT REQUEST TO ACCESS HIS/HER EDUCATION RECORDS

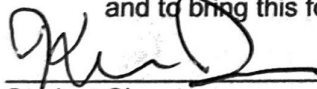
This form must be submitted to the appropriate record custodian's office at TTUHSC. If a student is uncertain as to what office maintains the records at issue, the student shall submit a written request for assistance to the Assistant Vice Provost for Student Affairs or designee. If access to the record is granted, the record custodian will place the original copy of the completed form with the student's record which was accessed.

Please Print or Type	
Student Name: Kevin Bass	Student ID Number: [REDACTED]
Address: [REDACTED]	School: School of Medicine
City/State/Zip Code: [REDACTED]	Classification: MS3 (former)
Telephone Number: 512-333-4092	Email: kbassphiladelphia@gmail.com
Cell Phone (if available): 512-333-4092	

TO: Office of the Registrar (Insert Name of Records Custodian)

Under the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA), I hereby request access to my education records as follows:

- A. I request to inspect the following education records:
Dec 11, 2023 dismissal hearing video recording(s) (native file; all versions/copies; incl. audio tracks)
Any transcripts/notes/summaries/hearing record for that hearing, and any maintained metadata for the recording(s)
- B. These records are located in the following office(s):
Registrar/Enrollment Services; Dean's Office; Student Affairs; IT; Office of General Counsel
and any TTUHSC vendor/system maintaining copies of the Dec 11, 2023 dismissal hearing recording(s).
- C. I have read the information provided in TTUHSC OP 77.13, *Student Education Records*.
- D. I understand that it is my responsibility to arrange an appointment to review my records and to bring this form with me at the appointed time.


Student Signature

12/22/2025
Signature Date

Official Use Only:

☐ Request approved by: _____	Date: _____
☐ Request denied by: _____	Date: _____
Reason for Approval/Denial: _____	
Time and Place for Inspection: _____	

(To be completed by student following visual inspection of the requested education records)

I, _____ (Print Name), Student ID Number _____ (Insert Number),
was granted access to the education records requested above on _____ (Insert Date)
at _____ (Insert Location).

Student Signature

Signature Date

CAUSE NO. DC-2025-CV-1817
KEVIN N. BASS v. D'AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT C

REGISTRAR EMAIL — NO-COPY RESTRICTION & ZOOM SCHEDULE

Date:	December 3, 2025
Description:	Email from Office of the Registrar to Kevin Bass establishing no-copy restriction on education records and proposing initial Zoom inspection session schedule.

*Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817*

From: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
To: "kbassphiladelphia@gmail.com" <kbassphiladelphia@gmail.com>
Date: Wed, 03 Dec 2025 16:40:17 +0000
Subject: RE: TTUHSC Student Record

Mr. Bass,

Thank you for your email on November 27, 2025. With the University being closed for Thanksgiving (Thursday and Friday) it was not seen until Monday, December 1. Unfortunately, our staff is unavailable at your proposed times due to prior commitments. As you requested, below are proposed dates and times in which our staff is available to conduct a Zoom session:

Monday, December 8, 2025, 1:00-2:00 p.m. CST
Wednesday, December 10, 2025, 1:00-2:00 p.m. CST
Friday, December 12, 2025, 10:00-11:00 a.m. CST

Please reply to this email with the dates/times that work for you and we will then send you a Zoom link. As you noted in your email below, under FERPA you are entitled to inspect and review your educational records; however, during the Zoom sessions you are not permitted to take any action that may create a copy of any document you review, to include but not limited to, recording, capturing, photographing, etc. If after the initial Zoom session, you find that you need additional time, you may make a request for an additional Zoom Session.

Thank you,

Office of the Registrar
> Enrollment Services
> Academic Classroom Building | Room 2C400
> 3601 4th Street | STOP: 8310 | Lubbock, TX 79430 Registrar@ttuhsc.edu
> O: 806.743.7347 | F: 806.743.3027

-----Original Message-----

From: Kevin Bass <kbassphiladelphia@gmail.com>
Sent: Thursday, November 27, 2025 4:47 AM
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Subject: Re: TTUHSC Student Record

CAUTION: This email originated from outside of TTUHSC. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Office of the Registrar,

Thank you for your email of November 17, 2025 regarding my FERPA request dated

October 2, 2025, which your office deemed received on October 3, 2025. I apologize that I did not see your message in time to attend the November 18, 2025 Zoom session you scheduled from 2:00–3:00 p.m. CST.

Your email was sent at 3:54 p.m. on November 17, offering the Zoom session for the following afternoon, which provided less than twenty-four hours' notice. I did not see the message in time to make arrangements to attend.

I continue to request access to and inspection of the education records your office has collected in response to my October 2 FERPA request, including all categories of records described in that request.

Under FERPA's implementing regulations, 34 C.F.R. § 99.10(b), an educational institution must provide a parent or eligible student the opportunity to inspect and review education records within 45 days of receipt of a request. Because my request was deemed received on October 3, 2025, that 45-day deadline fell on November 17, 2025. In addition, 34 C.F.R. § 99.10(e) provides that an educational institution may not destroy any education records if there is an outstanding request to inspect and review them.

In light of the above, I respectfully request that my FERPA request be treated as still outstanding, and that we schedule a new one-hour Zoom session at a mutually convenient time so that I may inspect and review the records.

I am available for a one-hour Zoom session on the following dates and times (all CST):

- Monday, December 1, 2025, 10:00–11:00 a.m. CST
- Wednesday, December 3, 2025, 1:00–2:00 p.m. CST
- Friday, December 5, 2025, 3:00–4:00 p.m. CST

If none of these times work, please propose alternative times within the next two weeks.

Thank you for your attention to this matter. I look forward to your confirmation of a new appointment.

Sincerely,
Kevin Bass

Kevin Bass PhD MS
Phone: 512-333-4092

On Mon, Nov 17, 2025 at 3:54 PM LUB_FMB_Registrar <Registrar@ttuhsc.edu> wrote:

>
> Mr. Bass,
>
>
>
> The Texas Tech University Health Sciences Center, Office of the
> Registrar received your FERPA request dated October 2, 2025 after
> normal business hours (7:49 PM) on October 2, 2025. Therefore, it was

> deemed received on October 3, 2025. Your educational record has been
> collected. The records are available for you to review on Tuesday,
> November 18th from 2:00 - 3:00 p.m. CST via this Zoom at this link
> https://urldefense.com/v3/__https://ttuhsc.zoom.us/j/93815542637__;!!P
> ZU9J6Y!Yk4X00Oo-3jZNQoCSYG3Wyuo2qbt8gIifYHQ-qXRnbldk_rkcETirobP3nm4LHw
> zrcpl_PtdAfqzhEGxFeLwTBHZLqiC\$
>
>
>
> Please reply to this email confirming this date and time. If you are unable to
view your records on this date, please reply back to this email with an
alternative date.
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> Kind Regards,
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>
> Office of the Registrar
> Enrollment Services
>
>
> Academic Classroom Building | Room 2C400
> 3601 4th Street | STOP: 8310 | Lubbock, TX 79430 Registrar@ttuhsc.edu
> O: 806.743.7347 | F: 806.743.3027
>
>

CAUSE NO. DC-2025-CV-1817
KEVIN N. BASS v. D'AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT D

FOLLOW-UP LETTER — 45-DAY DEADLINE EXPIRATION

Date:	February 22, 2026
Description:	Letter from Kevin Bass to Office of the Registrar documenting that the 45-day compliance deadline under OP 77.13 expired February 13, 2026 without written response, scheduled hearing, or workable inspection arrangement.

*Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817*

Kevin N. Bass

Phone: (512) 333-4092

Email: kbassphiladelphia@gmail.com

Student ID [REDACTED]

February 22, 2026

VIA EMAIL (Registrar@ttuhsc.edu)

Office of the Registrar
Enrollment Services
Texas Tech University Health Sciences Center
Academic Classroom Building, Room 2C400
3601 4th Street, STOP: 8310
Lubbock, TX 79430

CC: Darrin D'Agostino, D.O., M.P.H., M.B.A.
Executive Vice President for Academic Affairs / Provost
Texas Tech University Health Sciences Center

RE: Follow-Up to Written Request Submitted December 30, 2025
Invoking HSC OP 77.13 and Texas Government Code § 559.004
45-Day Compliance Deadline Expired February 13, 2026

Dear Registrar's Office:

I write to follow up on my written request submitted December 30, 2025, invoking HSC OP 77.13 ("Student Education Records") and Texas Government Code Section 559.004, to inspect, review, and initiate the correction/annotation process for education-record materials relating to my transcript notation "Administrative Dismissal Effective 01-11-2024."

OP 77.13, Section 4(c)(4) provides that records authorized to be disclosed under FERPA "will be made available to the Student within forty-five (45) days from the Records Custodian's receipt of the written request." Forty-five days from December 30, 2025 was February 13, 2026.

As of the date of this letter, February 22, 2026--nine days past the OP 77.13 deadline--the following remains true:

1. No written response to my amendment/annotation request

has been issued under OP 77.13, Section 5.

2. No hearing has been scheduled under OP 77.13, Section 5(d).
3. The in-person inspection/review sessions conducted January 5-8, 2026 did not provide a workable opportunity to complete the inspection/review and amendment/annotation process. As I documented in my December 12, 2025 correspondence and my January 2026 sworn statement, the sessions were conducted under the following restrictions:
 - (a) No copies of any document were permitted;
 - (b) No audio recording was permitted;
 - (c) No third-party observer was permitted, including my spouse, even with a signed FERPA consent form under 34 C.F.R. § 99.30; and
 - (d) The door to the review room was required to remain open at all times, and the inspection laptop was required to be surrendered any time I left the room.

Under these conditions, with approximately 1,600+ records to inspect, I was unable to complete meaningful inspection/review of the full document set within the four-day window, and was unable to identify record components "as precisely as possible" as OP 77.13 requires for an amendment/annotation request.

4. TTUHSC has not proposed any alternative arrangement (such as secure portal access or copies under 34 C.F.R. § 99.10(d)) to allow completion of the process.

I respectfully request written confirmation of how TTUHSC intends to comply with its obligations under OP 77.13 and Texas Government Code Section 559.004, including:

- (a) Whether and when TTUHSC will provide a workable method for me to complete inspection/review of the full education-record set;
- (b) Whether and when TTUHSC will accept and process my amendment/annotation request under OP 77.13, Section 5; and
- (c) Whether TTUHSC contends that the 45-day deadline has been satisfied, and if so, on what basis.

I am copying the Executive Vice President for Academic Affairs because OP 77.13, Section 5(b)-(c) routes amendment

requests through the EVPAA, and because OP 77.13, Section 4(c)(2) provides that if a student is uncertain where records are maintained, the student "shall submit a written request for assistance to the Executive Vice President for Academic Affairs."

Please respond in writing to my email address above.

Sincerely,

Kevin N. Bass

[REDACTED]

CAUSE NO. DC-2025-CV-1817
KEVIN N. BASS v. D'AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT E

REGISTRAR DENIALS & FERPA CONSENT FORM SUBMISSION

Date:	December 30, 2025 — January 2, 2026
Description:	Email chain: (1) December 30, 2025 email from Registrar denying observer, audio recording, and spouse attendance, threatening forfeiture of review rights; (2) January 2, 2026 reply from Kevin Bass submitting signed FERPA § 99.30 consent form designating spouse as authorized recipient and requesting written policy basis for refusal.

*Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817*

From: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
To: "kbassphiladelphia@gmail.com" <kbassphiladelphia@gmail.com>
Date: Tue, 30 Dec 2025 18:34:25 +0000
Subject: RE: TTUHSC Student Record

Mr. Bass,

You are authorized to view your education records from 9 AM to 4 PM on Monday, January 5; Tuesday, January 6; and Thursday, January 8. Pursuant to FERPA, you are entitled to inspect and review your educational records; however, you will not be permitted to take any action that may create a copy of any document, to include but not limited to, recording, capturing, photographing, etc. The door to the room you will be provided must remain open at all times to ensure compliance. At any time you decide to leave the room you will be required to provide the laptop to the escort.

The escort will meet you by the west corner of Knoxville and 6th Street (north side of the HSC building in front of the large set of stairs leading to the second floor) at 9 AM. A Google Maps pin drop of the location is here (<https://maps.app.goo.gl/4yZqPL3DkWW6jqhM9>).

You did not refer to either statute or policy that authorizes you to (1) bring a third party observer, (2) record the FERPA education record review sessions, or (3) have a third party observer on the phone, teleconference call, or similar listening/viewing platform during the FERPA education record review sessions. Your request is therefore not permitted and you will not be permitted to record or have a third party involved during your review.

Failure to follow the established protocol will result in you forfeiting the ability to review your record until you can comply with the protocol.

Thank you,

> Office of the Registrar
> > > > Enrollment Services
> > > > Academic Classroom Building | Room 2C400
> > > > 3601 4th Street | STOP: 8310 | Lubbock, TX 79430
> > > > Registrar@ttuhsc.edu<mailto:Registrar@ttuhsc.edu>
> > > > O: 806.743.7347 | F: 806.743.3027

From: Kevin Bass <kbassphiladelphia@gmail.com>
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Date: Fri, 02 Jan 2026 15:05:38 -0600
Subject: Re: TTUHSC Student Record

Subject: Jan 5/6/8 FERPA review: confirmation, written consent for spouse, and protocol clarifications

Registrar's Office,

Thank you. I confirm I will attend Jan 5, Jan 6, and Jan 8 (9:00 a.m.-4:00 p.m.) and will comply with the protocol described in your email.

Observer/authorized recipient: Attached is my signed written consent under 34 C.F.R. § 99.30 identifying my spouse, [REDACTED], as an authorized recipient for my education records for the purpose of assisting me during inspection/review. (This is consistent with TTUHSC's "Student Consent to Release Education Records" form language regarding permitting inspection with student permission.)

If TTUHSC will not permit her to be present even with written consent, please confirm that refusal in writing and identify the TTUHSC policy basis (separate from FERPA consent rules).

To avoid misunderstandings: Please confirm in writing what materials I may bring for note-taking (e.g., pen/paper), and whether TTUHSC will maintain a session log noting the date/time, the escort(s) present, and any protocol instructions given at the start.

Sincerely,
Kevin Bass

Kevin Bass PhD MS
Phone: *512-333-4092*

On Tue, Dec 30, 2025 at 12:34 PM LUB_FMB_Registrar <Registrar@ttuhsc.edu> wrote:

> Mr. Bass,
>
>
>
> You are authorized to view your education records from 9 AM to 4 PM on
> Monday, January 5; Tuesday, January 6; and Thursday, January 8. Pursuant to
> FERPA, you are entitled to inspect and review your educational records;
> however, you will not be permitted to take any action that may create a

CAUSE NO. DC-2025-CV-1817
KEVIN N. BASS v. D'AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT F

REGISTRAR INSPECTION PROTOCOL

Date:	December 19, 2025
Description:	Email from Office of the Registrar to Kevin Bass establishing inspection session schedule, escort requirement, open-door policy, and mandatory laptop surrender upon leaving room.

Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817

From: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
To: "kbassphiladelphia@gmail.com" <kbassphiladelphia@gmail.com>
Date: Fri, 19 Dec 2025 16:53:59 +0000
Subject: RE: TTUHSC Student Record

Mr. Bass,

We are finalizing logistics for you to be escorted into the HSC building, provided a room, and a laptop for you to view the records. You will be authorized to view the records from 9 AM to 4 PM on Monday, December 29; Tuesday, December 30; and Wednesday, December 31. Pursuant to FERPA, you are entitled to inspect and review your educational records; however, you will not be permitted to take any action that may create a copy of any document, to include but not limited to, recording, capturing, photographing, etc. The door to the room you will be provided must remain open at all times to ensure compliance. At any time you decide to leave the room you will be required to provide the laptop to the escort. Please respond to this email account to confirm your availability for these dates.

Thank you,

Office of the Registrar

> > > Enrollment Services
> > > Academic Classroom Building | Room 2C400
> > > 3601 4th Street | STOP: 8310 | Lubbock, TX 79430
> > > Registrar@ttuhsc.edu
> > > O: 806.743.7347 | F: 806.743.3027

-----Original Message-----

From: Kevin Bass <kbassphiladelphia@gmail.com>
Sent: Friday, December 12, 2025 7:49 PM
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Subject: Re: TTUHSC Student Record

CAUTION: This email originated from outside of TTUHSC. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Registrar/Records Custodian,

Thank you for today's FERPA inspection session.

During the Dec 12 session, TTUHSC staff stated the responsive set consisted of approximately 2,000 records. Under the current session format and restrictions (including the no recording/capturing/photographing condition stated in your Dec

3, 2025 email), I was able to review approximately 20 records during that session. As a result, the current arrangement is not a workable method to permit inspection and review of the full set within a reasonable period.

FERPA requires an opportunity to inspect and review education records within a reasonable period (not more than 45 days), and where circumstances effectively prevent inspection/review, the institution must provide copies or make other arrangements that permit inspection/review. See 34 C.F.R. § 99.10(b), (d).

To ensure this inspection/review can be completed, please confirm that the responsive records will be retained and not destroyed while my request to inspect/review remains pending. See 34 C.F.R. § 99.10(e).

Scope clarification (no waiver): This request covers (1) the complete set displayed during the Dec 12 session (the full universe shown), and (2) any additional education records responsive to my Oct 2, 2025 FERPA request and Oct 20, 2025 supplemental request that were not included in the Dec 12 set. Please confirm that the Dec 12 set reflects the complete set TTUHSC collected as responsive to those requests (subject only to redactions/segregation under 34 C.F.R. § 99.12(a)).

To make this workable at this scale, please implement ONE of the following access methods (reasonable security controls and required redactions/segregation are fine):

- A) Secure view-only portal access (or equivalent) to the complete set for a defined period (e.g., 30 days); or
- B) A concrete high-cadence inspection schedule (e.g., multiple multi-hour blocks per week) sufficient to complete inspection/review of the full set within a reasonable timeframe; or
- C) If (A) or (B) cannot be provided promptly, provide copies of the complete set (with any required redactions) or propose another arrangement that complies with 34 C.F.R. § 99.10(d).

By close of business Monday, December 15, 2025, please (i) acknowledge receipt of this email and (ii) confirm which option (A), (B), or (C) TTUHSC will implement. By close of business Friday, December 19, 2025, please provide the full plan and logistics (including the earliest start date and, if applicable, proposed session dates/times or portal access details).

Additionally, please make available the 34 C.F.R. § 99.32 record of disclosures for my education records, and confirm the total item count for the Dec 12 set and provide a simple inventory/manifest of that set to facilitate navigation.

If TTUHSC does not provide a workable plan by December 19, 2025, I will seek compliance assistance from the U.S. Department of Education Student Privacy Policy Office.

Sincerely,

Kevin Bass PhD MS
Phone: 512-333-4092

On Thu, Dec 11, 2025 at 1:10 PM LUB_FMB_Registrar <Registrar@ttuhsc.edu> wrote:

>
> Mr. Bass
>
> Please see the below link to the zoom meeting scheduled for Friday, December
12th at 10:00 - 11:00 am CST.
>
> This meeting will only be to go through the educational documents pursuant to FERPA.
>
> Join Zoom Meeting
> [https://urldefense.com/v3/__https://ttuhsc.zoom.us/j/92711546946__;!!P](https://urldefense.com/v3/__https://ttuhsc.zoom.us/j/92711546946__;!!PZU9J6Y!aPreIQzuUEz6ku623fZ9F_-8BixNbQ5Yt04uoqQPwZSDPvKbWahidzLa3OBZbv84MsPHMkbITRR4-TG52N06qUtvdsVa$)
> [ZU9J6Y!aPreIQzuUEz6ku623fZ9F_-8BixNbQ5Yt04uoqQPwZSDPvKbWahidzLa3OBZbv8](https://urldefense.com/v3/__https://ttuhsc.zoom.us/j/92711546946__;!!PZU9J6Y!aPreIQzuUEz6ku623fZ9F_-8BixNbQ5Yt04uoqQPwZSDPvKbWahidzLa3OBZbv84MsPHMkbITRR4-TG52N06qUtvdsVa$)
> [4MsPHMkbITRR4-TG52N06qUtvdsVa\\$](https://urldefense.com/v3/__https://ttuhsc.zoom.us/j/92711546946__;!!PZU9J6Y!aPreIQzuUEz6ku623fZ9F_-8BixNbQ5Yt04uoqQPwZSDPvKbWahidzLa3OBZbv84MsPHMkbITRR4-TG52N06qUtvdsVa$)
>
> Meeting ID: 927 1154 6946
>
> One tap mobile
> +13462487799,,92711546946# US (Houston) 17193594580,,92711546946# US
> Join by SIP
> • 92711546946@zoomcrc.com
> Join instructions
> [https://urldefense.com/v3/__https://ttuhsc.zoom.us/meetings/9271154694](https://urldefense.com/v3/__https://ttuhsc.zoom.us/meetings/92711546946/invitations?signature=LW67RuXyK81BiPhdbqFSUQ_bo0A_6QL20nVegJTQvLM__;!!PZU9J6Y!aPreIQzuUEz6ku623fZ9F_-8BixNbQ5Yt04uoqQPwZSDPvKbWahidzLa3OBZbv84MsPHMkbITRR4-TG52N06qcegcIAM$)
> [6/invitations?signature=LW67RuXyK81BiPhdbqFSUQ_bo0A_6QL20nVegJTQvLM__;](https://urldefense.com/v3/__https://ttuhsc.zoom.us/meetings/92711546946/invitations?signature=LW67RuXyK81BiPhdbqFSUQ_bo0A_6QL20nVegJTQvLM__;!!PZU9J6Y!aPreIQzuUEz6ku623fZ9F_-8BixNbQ5Yt04uoqQPwZSDPvKbWahidzLa3OBZbv84MsPHMkbITRR4-TG52N06qcegcIAM$)
> [!!PZU9J6Y!aPreIQzuUEz6ku623fZ9F_-8BixNbQ5Yt04uoqQPwZSDPvKbWahidzLa3OBZ](https://urldefense.com/v3/__https://ttuhsc.zoom.us/meetings/92711546946/invitations?signature=LW67RuXyK81BiPhdbqFSUQ_bo0A_6QL20nVegJTQvLM__;!!PZU9J6Y!aPreIQzuUEz6ku623fZ9F_-8BixNbQ5Yt04uoqQPwZSDPvKbWahidzLa3OBZbv84MsPHMkbITRR4-TG52N06qcegcIAM$)
> [bv84MsPHMkbITRR4-TG52N06qcegcIAM\\$](https://urldefense.com/v3/__https://ttuhsc.zoom.us/meetings/92711546946/invitations?signature=LW67RuXyK81BiPhdbqFSUQ_bo0A_6QL20nVegJTQvLM__;!!PZU9J6Y!aPreIQzuUEz6ku623fZ9F_-8BixNbQ5Yt04uoqQPwZSDPvKbWahidzLa3OBZbv84MsPHMkbITRR4-TG52N06qcegcIAM$)
>
> Thank you!
>
>
>
> Office of the Registrar
> > > Enrollment Services
> > > Academic Classroom Building | Room 2C400
> > > 3601 4th Street | STOP: 8310 | Lubbock, TX 79430
> > > Registrar@ttuhsc.edu
> > > O: 806.743.7347 | F: 806.743.3027
>
> -----Original Message-----
> From: Kevin Bass <kbassphiladelphia@gmail.com>
> Sent: Friday, December 5, 2025 3:20 PM
> To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
> Subject: Re: TTUHSC Student Record
>
> CAUTION: This email originated from outside of TTUHSC. Do not click links or
open attachments unless you recognize the sender and know the content is safe.
>
>
> Dear Office of the Registrar,
>
> Thank you for your email and for offering times to review my education
records. I am available on Friday, December 12, 2025, 10:00-11:00 a.m.
> CST and would like to schedule the Zoom session at that time.

>

> As you know, on October 2, 2025 I submitted a FERPA request for access to and copies of my education records and the 34 C.F.R. § 99.32 disclosure log, with electronic delivery preferred. On October 20, 2025, I submitted a supplemental request identifying additional categories of education records, including (among other things) the broadcast email and related metadata, distribution/recipient lists, BOLO or campus access communications, transcript/notation policies and audit logs, and communications to third parties such as residency programs or hospitals. My understanding is that the proposed Zoom session is intended to allow me to inspect and review the records you have collected in response to those requests.

>

> For purposes of this FERPA Zoom session only, I will comply with your stated condition that I not make recordings, photographs, screenshots, or other copies of the documents shown. However, my agreement to proceed with this session and to comply with that condition does not waive or limit any rights, claims, or arguments I have asserted or may assert regarding TTUHSC's past handling of my records or its FERPA obligations, including my request for the § 99.32 disclosure log and for copies/electronic delivery of my records, and does not waive my right to obtain copies of relevant records through formal discovery or other lawful means in the pending litigation.

>

> Please also confirm that the Zoom session will include an opportunity to inspect the § 99.32 disclosure log and all categories of education records identified in my October 2 and October 20, 2025 requests.

>

>

> Sincerely,

> Kevin Bass PhD MS

> Phone: 512-333-4092

> On Wed, Dec 3, 2025 at 10:40 AM LUB_FMB_Registrar <Registrar@ttuhsc.edu> wrote:

> >

> > Mr. Bass,

> >

> > Thank you for your email on November 27, 2025. With the University being closed for Thanksgiving (Thursday and Friday) it was not seen until Monday, December 1. Unfortunately, our staff is unavailable at your proposed times due to prior commitments. As you requested, below are proposed dates and times in which our staff is available to conduct a Zoom session:

> >

> > Monday, December 8, 2025, 1:00-2:00 p.m. CST Wednesday, December 10,

> > 2025, 1:00-2:00 p.m. CST Friday, December 12, 2025, 10:00-11:00 a.m.

> > CST

> >

> > Please reply to this email with the dates/times that work for you and we will then send you a Zoom link. As you noted in your email below, under FERPA you are entitled to inspect and review your educational records; however, during the Zoom sessions you are not permitted to take any action that may create a copy of any document you review, to include but not limited to, recording, capturing, photographing, etc. If after the initial Zoom session, you find that you need additional time, you may make a request for an additional Zoom Session.

> >
> > Thank you,
> >
> > Office of the Registrar
> > > Enrollment Services
> > > Academic Classroom Building | Room 2C400
> > > 3601 4th Street | STOP: 8310 | Lubbock, TX 79430
> > > Registrar@ttuhsc.edu
> > > O: 806.743.7347 | F: 806.743.3027
> >
> >
> > -----Original Message-----
> > From: Kevin Bass <kbassphiladelphia@gmail.com>
> > Sent: Thursday, November 27, 2025 4:47 AM
> > To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
> > Subject: Re: TTUHSC Student Record
> >
> > CAUTION: This email originated from outside of TTUHSC. Do not click links or
open attachments unless you recognize the sender and know the content is safe.
> >
> >
> > Dear Office of the Registrar,
> >
> > Thank you for your email of November 17, 2025 regarding my FERPA
> > request dated October 2, 2025, which your office deemed received on
> > October 3, 2025. I apologize that I did not see your message in time
> > to attend the November 18, 2025 Zoom session you scheduled from
> > 2:00–3:00 p.m. CST.
> >
> > Your email was sent at 3:54 p.m. on November 17, offering the Zoom session
for the following afternoon, which provided less than twenty-four hours' notice.
I did not see the message in time to make arrangements to attend.
> >
> > I continue to request access to and inspection of the education records your
office has collected in response to my October 2 FERPA request, including all
categories of records described in that request.
> >
> > Under FERPA's implementing regulations, 34 C.F.R. § 99.10(b), an educational
institution must provide a parent or eligible student the opportunity to inspect
and review education records within 45 days of receipt of a request. Because my
request was deemed received on October 3, 2025, that 45-day deadline fell on
November 17, 2025. In addition, 34 C.F.R. § 99.10(e) provides that an
educational institution may not destroy any education records if there is an
outstanding request to inspect and review them.
> >
> > In light of the above, I respectfully request that my FERPA request be
treated as still outstanding, and that we schedule a new one-hour Zoom session
at a mutually convenient time so that I may inspect and review the records.
> >
> > I am available for a one-hour Zoom session on the following dates and times
(all CST):

> >
> > - Monday, December 1, 2025, 10:00-11:00 a.m. CST
> > - Wednesday, December 3, 2025, 1:00-2:00 p.m. CST
> > - Friday, December 5, 2025, 3:00-4:00 p.m. CST
> >
> > If none of these times work, please propose alternative times within the
next two weeks.
> >
> > Thank you for your attention to this matter. I look forward to your
confirmation of a new appointment.
> >
> > Sincerely,
> > Kevin Bass
> >
> > Kevin Bass PhD MS
> > Phone: 512-333-4092
> >
> > On Mon, Nov 17, 2025 at 3:54 PM LUB_FMB_Registrar <Registrar@ttuhsc.edu> wrote:
> > >
> > > Mr. Bass,
> > >
> > >
> > >
> > > The Texas Tech University Health Sciences Center, Office of the
> > > Registrar received your FERPA request dated October 2, 2025 after
> > > normal business hours (7:49 PM) on October 2, 2025. Therefore, it
> > > was deemed received on October 3, 2025. Your educational record
> > > has been collected. The records are available for you to review on
> > > Tuesday, November 18th from 2:00 - 3:00 p.m. CST via this Zoom at
> > > this link
> > > [https://urldefense.com/v3/__https://ttuhsc.zoom.us/j/93815542637__;!
!P
ZU9J6Y!Yk4X00Oo-3jZNQoCSYG3Wyu02qbt8gIifYHQ-qXRnbldk_rkcETirobP3nm
4L
Hw
zrcpl_PtdAfqzhEGxFeLwTBHZLqiC\\$](https://urldefense.com/v3/__https://ttuhsc.zoom.us/j/93815542637__;!ZU9J6Y!Yk4X00Oo-3jZNQoCSYG3Wyu02qbt8gIifYHQ-qXRnbldk_rkcETirobP3nm4LHwzrcpl_PtdAfqzhEGxFeLwTBHZLqiC$)
> > >
> > >
> > >
> > > Please reply to this email confirming this date and time. If you are
unable to view your records on this date, please reply back to this email with
an alternative date.
> > >
> > >
> > >
> > > Kind Regards,
> > >
> > >
> > >
> > >
> > >
> > >

CAUSE NO. DC-2025-CV-1817
KEVIN N. BASS v. D'AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT G

RESCHEDULE CHAIN & DENIED ALTERNATIVES

Date:	December 23–25, 2025
Description:	Email chain: (1) December 23, 2025 Registrar email rescheduling inspection from Dec 29–31 to Jan 5/6/8; (2) Kevin Bass's December 23 reply confirming attendance and requesting audio recording, remote witness, or spouse as observer; (3) Kevin Bass's December 25 follow-up reiterating alternative requests.

Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817

From: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
To: "kbassphiladelphia@gmail.com" <kbassphiladelphia@gmail.com>
Date: Tue, 23 Dec 2025 21:15:00 +0000
Subject: RE: TTUHSC Student Record

Mr. Bass,

Due to logistical issues, the FERPA review scheduled from 9 AM to 4 PM December 29 through December 31 will need to be postponed until the following week. We propose the following three days:

- Monday, January 5, 2026 9 AM to 4 PM
- Tuesday, January 6, 2026 9 AM to 4 PM
- Thursday, January 8, 2026 9 AM to 4 PM

Please respond to this email confirming your availability for these three days. Upon your confirmation we will send you additional information regarding where to meet the person who will escort you into the building to view the files.

Thank you,

Office of the Registrar
Enrollment Services
Academic Classroom Building | Room 2C400
3601 4th Street | STOP: 8310 | Lubbock, TX 79430 Registrar@ttuhsc.edu
O: 806.743.7347 | F: 806.743.3027

From: Kevin Bass <kbassphiladelphia@gmail.com>
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Date: Tue, 23 Dec 2025 15:53:36 -0600
Subject: Re: TTUHSC Student Record

Registrar's Office,

I confirm I can attend Jan 5, Jan 6, and Jan 8, 2026 (9:00 a.m.-4:00 p.m.). Please send the check-in/escort logistics and location details in advance so there are no further delays.

Separately, I need a neutral way to document the session logistics/instructions and avoid any later misunderstandings about what occurred. Because the rescheduled January dates mean I cannot bring an in-person companion, I'm requesting one of the following:

Option 1 (preferred): Audio recording (disclosed and visible). I will use a small audio recorder/phone placed on the table, and I will pause recording while I am silently reviewing records if you prefer (i.e., recording only covers logistics/instructions and any interactions). The recording would be for accuracy and dispute-prevention only; I will not publish it.

Option 2: Remote witness (listen-only). If recording is not allowed, please permit a listen-only phone/Zoom witness. I can provide the witness's name in advance and sign any confidentiality acknowledgment you require.

If TTUHSC will not allow either option, please provide the specific written policy basis for the denial and then propose a workable alternative arrangement for inspection/review (e.g., secure read-only portal access for a defined period or copies where appropriate), because an in-person session with no neutral record is not workable given the rescheduling and the risk of later factual disputes.

Please reply confirming which option TTUHSC will permit.

Thank you,
Kevin Bass

Kevin Bass PhD MS
Phone: 512-333-4092

From: Kevin Bass <kbassphiladelphia@gmail.com>
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Date: Thu, 25 Dec 2025 22:34:13 -0600
Subject: Re: TTUHSC Student Record

For transparency, I provided SPP0 a brief update that TTUHSC postponed the Dec 29-31 inspection dates to Jan 5/6/8 and that the §99.32 disclosure record, manifest/index, and a completion plan remain outstanding.

Kevin Bass PhD MS
Phone: *512-333-4092*

On Thu, Dec 25, 2025 at 9:24 PM Kevin Bass <kbassphiladelphia@gmail.com> wrote:

> Registrar's Office,
>
> Following up on my email below regarding the Jan 5/6/8 records review: I
> may be able to have my wife accompany me as an in-person companion/neutral
> observer, but only if we can arrive/check in at 7:45 a.m. (instead of 9:00
> a.m.), because [REDACTED]. She would not
> access any records and can sign any confidentiality acknowledgment you
> require.
>
> Please let me know if this is permitted (and if so, what ID/paperwork she
> should bring). If it's not permitted, please confirm which of the two
> alternatives I proposed (disclosed audio recording or listen-only remote
> witness) TTUHSC will allow.
>
> Thank you,
> Kevin Bass
> Kevin Bass PhD MS
> Phone: *512-333-4092*

> On Tue, Dec 23, 2025 at 3:53 PM Kevin Bass <kbassphiladelphia@gmail.com>
> wrote:

>> Registrar's Office,
>>
>> I confirm I can attend Jan 5, Jan 6, and Jan 8, 2026 (9:00 a.m.-4:00
>> p.m.). Please send the check-in/escort logistics and location details
>> in advance so there are no further delays.
>>
>> Separately, I need a neutral way to document the session
>> logistics/instructions and avoid any later misunderstandings about

CAUSE NO. DC-2025-CV-1817
KEVIN N. BASS v. D·AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT H

UNSWORN DECLARATION OF KEVIN N. BASS

Referenced in: Statement of Facts ¶¶6, 8; Section IV.A.1

Date:	March 1, 2026
Description:	Unsworn declaration under penalty of perjury detailing the limitations of the January 5-8, 2026 inspection sessions: approximately 1,600 records spanning approximately 1,500 pages reviewed across four days with no copies permitted, plus a 14-hour hearing video that could not be fully reviewed.

*Plaintiff's Exhibit to Response to Plea to the Jurisdiction
Bass v. D·Agostino & McSween, Cause No. DC-2025-CV-1817*

I. THE WRITTEN REQUEST

3. On December 30, 2025, I submitted a written request to the Office of the Registrar invoking OP 77.13 and Section 559.004 to inspect, review, and initiate the correction/annotation process for education-record materials relating to my transcript notation "Administrative Dismissal Effective 01-11-2024."
4. My request was accompanied by a completed "Attachment B -- Student Request to Access His/Her Education Records" form as prescribed by OP 77.13.

II. THE ACCESS CONDITIONS

5. The Registrar's office scheduled in-person inspection sessions for January 5, 6, 7, and 8, 2026, from approximately 9:00 a.m. to 4:00 p.m. each day, at the Academic Classroom Building, Room 2C400.
6. Prior to the sessions, the Registrar's office communicated the following conditions by email:
 - a. No copies of any document would be permitted. I was permitted to take handwritten notes only. (December 3, 2025 email; December 19, 2025 email.)
 - b. No audio recording of the inspection sessions would be permitted. (December 30, 2025 email.)
 - c. No third-party observer would be permitted to attend the sessions. (December 30, 2025 email.)
 - d. My spouse would not be permitted to attend as an observer, even with a signed FERPA consent form under 34 C.F.R. § 99.30 designating her as an authorized recipient of my education records. (December 30, 2025 email; January 2, 2026 follow-up requesting written basis for refusal.)
 - e. The door to the review room was required to remain open at all times. (December 19, 2025 email.)
 - f. A TTUHSC staff member would be present at all times as an escort. (December 19, 2025 email.)
 - g. The inspection laptop was required to be surrendered any time I left the room, including for restroom breaks. (December 19, 2025 email.)
7. On December 23 and 25, 2025, I requested that the Registrar's office permit at least one of three alternatives: (a) audio recording of the sessions, (b) a remote witness via phone,

or (c) my spouse as an in-person observer. All three alternatives were denied.

8. On December 30, 2025, the Registrar's office stated: "Failure to follow the established protocol will result in you forfeiting the ability to review your record until you can comply with the protocol."

III. THE INSPECTION SESSIONS

9. I attended the inspection sessions on January 5, 6, 7, and 8, 2026 and complied with all conditions imposed by the Registrar's office.
10. The records were presented on a laptop computer. The production consisted of approximately 1,600 or more individual records, spanning approximately 1,500 pages. These included emails, memoranda, forms, evaluations, policies, correspondence, and other documents relating to my enrollment, disciplinary proceedings, and administrative dismissal.
11. I took contemporaneous handwritten notes throughout each session, recording verbatim quotes, document identifiers (TTUHSC production numbers), dates, authors, recipients, and descriptions as I reviewed each document.
12. Under the conditions described above--no copies, no recording, no observer, handwritten notes only--I was unable to complete a meaningful inspection and review of the full document set within the four-day window. I was also unable to identify record components "as precisely as possible" as OP 77.13 requires for an amendment or annotation request.
13. Certain records in the production required extended review because they contained complex information such as multi-page email chains, evaluation rubrics with attached narratives, and administrative memoranda with cross- references to other documents. The handwritten-notes-only restriction made it impractical to capture sufficient detail from these records to support a precise amendment or annotation request.

IV. THE HEARING VIDEO

14. The production included what appeared to be a video recording of the December 11, 2023 dismissal hearing; however, TTUHSC did not identify the source, format, or chain of custody of the video file. The hearing lasted approximately 14 hours. The video was available for viewing on the inspection laptop under the same conditions: no copies, no recording, no observer, and mandatory laptop surrender upon leaving the room.
15. Given the volume of document records to review, the four-day time constraint, and the conditions imposed, I was unable to meaningfully review the 14-hour hearing video while also inspecting the approximately 1,600 document records. A meaningful review of the hearing video alone would require most or all of the allotted session time.

V. ONGOING NON-RESPONSE

16. On January 20, 2026, the Registrar's office responded to my initial amendment/annotation submission with "rejected...resubmit"--declining to process the request on formatting grounds without issuing a written decision under OP 77.13.
17. On January 26, 2026, I submitted a Step-2 written request under OP 77.13 and Section 559.004 to Dr. Erin Justyna (TTUHSC Associate Vice President/Provost), requesting amendment and/or annotation of the transcript notation. Defendant D'Agostino and Defendant McSween were both copied. As of the date of this declaration, no response has been received.
18. On January 27, 2026, I submitted a 22-item punch list to the Registrar identifying, by TTUHSC production number, records that were referenced in the January 5-8 production but not themselves produced for review. No response has been received.
19. As of the date of this declaration, TTUHSC has not proposed any alternative arrangement--such as secure portal access, electronic copies, or copies under 34 C.F.R. § 99.10(d)--to allow me to complete the inspection/review and amendment/annotation

process.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Lubbock County, Texas, on March 1, 2026.

/s/ Kevin N. Bass
Kevin N. Bass

CAUSE NO. DC-2025-CV-1817
KEVIN N. BASS v. D'AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT

STEP-2 AMENDMENT REQUEST TO DR. JUSTYNA

Date:	January 26, 2026
Description:	Email from Kevin Bass to Dr. Erin Justyna (TTUHSC Associate Vice President/Provost) submitting Step-2 OP 77.13 written request to amend/annotate transcript notation “Administrative Dismissal Effective 01-11-2024.” CC: Defendant D’Agostino, Defendant McSween, TTUS Assistant General Counsel Staugaard.

Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817

From: Kevin Bass <kbassphiladelphia@gmail.com>
To: Erin.Justyna@ttuhsc.edu
CC: LUB_FMB_Registrar <Registrar@ttuhsc.edu>, provost@ttuhsc.edu,
"Mcsween, Amanda" <amanda.mcsween@ttuhsc.edu>, "Staugaard, Bronte"
<bronte.staugaard@ttu.edu>
Date: Mon, 26 Jan 2026 18:43:06 -0600
Subject: Step-2 OP 77.13 / Tex. Gov't Code § 559.004 – Written Request to
Amend/Annotate Transcript Notation ("Administrative Dismissal
Effective 01-11-2024")

Hello Dr. Justyna,

I am submitting this as my Step-2 written request to amend and/or annotate an education record under TTUHSC HSC OP 77.13 and Tex. Gov't Code § 559.004, regarding a transcript notation on my official SOM transcript.

This submission is intended to cure the Registrar's January 20, 2026 "rejected...resubmit" response by routing the request through the Step-2 decision channel. If TTUHSC requires use of a specific OP 77.13 "Student Request to Amend Education Records" form, please provide it promptly and treat this email as containing the required fields rather than rejecting the request on a formatting technicality.

Record item at issue: My official transcript (issued 16-Oct-2025) reflects under "Spring 2024 Lubbock Medicine": "Administrative Dismissal Effective 01-11-2024." (See attached transcript excerpt.)

Requested action:

1. Primary: Amend/correct the transcript notation (including any eligible factual/metadata aspects such as wording and effective date) so it accurately reflects the disposition/terminology authorized by TTUHSC's controlling written decision record; or
2. Alternative (if TTUHSC declines to amend): Provide a written denial and the hearing/statement pathway information contemplated by OP 77.13 / FERPA, including the procedure to place and maintain a statement of disagreement/annotation with the contested portion and to ensure it is disclosed with that contested portion when disclosed.

The notation is inaccurate and/or materially misleading as presented because:

- The transcript wording "Administrative Dismissal" is materially ambiguous and does not match TTUHSC's published transcript terminology scheme for dismissal sanctions (e.g., Non-Academic Dismissal with "Eligible/Ineligible to Re-Enroll" phrasing), making the current transcript presentation misleading to third parties.
- I received a final institutional appeal decision email/letter at the time, but I cannot currently locate it in my records. To the extent TTUHSC relies on that final appeal decision (or any other controlling written

authorization) to establish the specific transcript label "Administrative Dismissal" and the effective date 01-11-2024, please re-provide it or identify it by date, sender/office, and the location where it is maintained so it can be inspected/reviewed.

- Because the transcript entry is disputed and used in high-stakes third-party contexts, continued disclosure of the contested entry without a maintained dispute statement/annotation (if TTUHSC declines to amend) is materially misleading.

Scope clarification: This request concerns education-record amendment/annotation mechanics and record presentation only. It does not request reconsideration of any underlying disciplinary merits.

Procedural request: Please confirm receipt and provide the expected timeline for a written decision. If any portion is denied, please include the specific basis for denial and the instructions/timeline for the hearing request and (if applicable) placement and maintenance of a statement of disagreement/annotation that will be kept with and disclosed with the contested portion.

Additionally, please identify the SIS/Banner status code and/or transcript remark code basis used to generate the transcript label "Administrative Dismissal," and the record/authority relied upon for that coding.

Thank you, Kevin Bas [REDACTED] 2-333-4092 [REDACTED]
[REDACTED]

Attachments: (A) transcript excerpt showing the notation; (B) Student Conduct Board determination excerpt; (C) Dean decision letter; (D) January 20, 2026 Registrar rejection email.

--- Attachments (binary content not included in API fetch) ---

1. Email_Attachment_Packet_Exhibits_A-D.pdf (application/pdf, 209515 bytes)

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LUBBOCK COUNTY, TEXAS

EXHIBIT J

22-ITEM RECORDS PUNCH LIST

Date:	January 27, 2026
Description:	Email from Kevin Bass to Office of the Registrar identifying 22 records referenced in the January 5–8, 2026 production but not themselves produced for inspection, listed by TTUHSC production number.

Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817

From: Kevin Bass <kbassphiladelphia@gmail.com>
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Date: Tue, 27 Jan 2026 08:12:45 -0600
Subject: Re: Follow-up to Jan 5-8 FERPA inspection: Request #2 outstanding items (OP 77.13)

Dear Office of the Registrar,

Thank you for your January 20, 2026 email. Per your request, below are the corresponding TTUHSC production numbers (Bass_####) for each of the 22 "Referenced-But-Not-Produced" punch-list items referenced during the Jan 5-8, 2026 in-person inspection:

1. Dec 11, 2023 hearing video/recording – Bass_0204; Bass_0725; Bass_0727; Bass_0728
2. June 26-27, 2023 meeting materials – Bass_0887; Bass_0889
3. Dr. Cobbs memorandum – Bass_1031; Bass_0234
4. Appeal decision draft (Williams → DeToledo; Sept. 7, 2023) – Bass_0949
5. OB/GYN "Incident 11" internal letter – Bass_0950
6. UMC poster/BOLO/related text message – Bass_1057; Bass_1059
7. Covenant Students.docx – Bass_1124
8. Psych clerkship evals (Oct. 31, 2023) – Bass_1139; Bass_1186; Bass_1189
9. Investigation report memorandum (Bates → Trotter; Dec. 5, 2023) – Bass_1150
10. Fully redacted "Kevin Bass just responded" message – Bass_1182
11. Texas Medical Board / Form D / MSPE attachments (July 11, 2023) – Bass_1211; Bass_1251
12. "Urgent concern" email with attachments (Mendoza; Nov. 4, 2023) – Bass_1052 (approx.)
13. OSCE grading attachment (Conser.pdf) – Bass_1357
14. "Filed grievances" packet(s) – Bass_1399
15. Calendar entry (July 6, 2023 meeting-moved/deleted) – Bass_0699
16. Dismissal drafts/templates – Bass_0224; Bass_0935; Bass_0141; Bass_0142
17. Admissions inbox emails re: social-media posts (Apr. 26, 2023) – Bass_1012; Bass_1052
18. Newsweek/Twitter backlash chain (Feb. 1-2, 2023) – Bass_1004; Bass_1091; Bass_0220
19. "Tips" and threat-assessment meeting artifacts (Aug. 24, 2020) – Bass_1326 (email chain)
20. Information provided by Renee Posey – Bass_1320; Bass_1401
21. Jax Bates memo about behavior / Wail Amor grievance report – Bass_1151; Bass_1156
22. "FW: Notes Today" / Zavala interaction / Wedavos notes (June 27, 2023) – Bass_1341

For convenience, I'm attaching a crosswalk document with the same mapping. Item 12 is noted as approximate ("Bass_1052 (approx.)") based on inspection notes; if TTUHSC needs more precision to locate it, I can provide additional context.

As stated in my January 12, 2026 email, this is a continuation of my pending FERPA Request #2 and is not intended to restart or "reset" any request timeline. For the 22 items above, I am requesting access to the referenced-but-not-produced materials (e.g., missing attachments and underlying files/records). If electronic copies or exports (preserving available metadata where maintained) are feasible, that would be most efficient; otherwise, please propose next steps for meaningful inspection/review. Rolling availability is fine.

Please confirm receipt and advise on next steps.

Thank you, Kevin Bass [REDACTED] Kevin Bass PhD MS Phone: 512-333-4092

--- Attachments (binary content not included in API fetch) ---

1. TTUHSC_Request2_22Item_PunchList_BassNumber_Crosswalk_2026-01-27.txt (text/plain, 2630 bytes)
2. TTUHSC_Request2_22Item_PunchList_BassNumber_Crosswalk_2026-01-27.pdf (application/pdf, 5752 bytes)

CAUSE NO. DC-2025-CV-1817

KEVIN N. BASS v. D'AGOSTINO & McSWEEN
IN THE 237th JUDICIAL DISTRICT COURT
LUBBOCK COUNTY, TEXAS

EXHIBIT K

SCHEDULE CHANGE — JANUARY 7 ADDITION

Date: January 6, 2026

Description: Email chain between Kevin Bass and Office of the Registrar confirming addition of Wednesday, January 7, 2026 (9 AM to 4 PM) to the previously scheduled inspection sessions of January 5, 6, and 8. Bass requested the Wednesday slot after learning on January 5 that a scheduling conflict had been resolved; the Registrar confirmed the addition the same day.

Exhibit to Plaintiff's Response to Defendants' Plea to the Jurisdiction
Bass v. D'Agostino & McSween, Cause No. DC-2025-CV-1817

From: Kevin Bass <kbassphiladelphia@gmail.com>
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Date: Tue, 06 Jan 2026 14:29:48 +0000
Subject: Schedule change
Dear Registrar,

Yesterday was mentioned that a meeting was moved out of the Weds. slot, allowing the Thursday date to be moved to Weds. potentially.

I am therefore requesting that we use the Weds slot and hold the Thursday in reserve in case my review is not complete by the end of Weds.

Sincerely,
Kevin Bass

Kevin Bass PhD MS
Phone: 512-333-4092

From: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
To: "kbassphiladelphia@gmail.com" <kbassphiladelphia@gmail.com>
Date: Tue, 06 Jan 2026 22:45:39 +0000
Subject: RE: Schedule change
Mr. Bass,

You requested to have both January 7 and 8 available to review your education records. This email confirms that Wednesday, January 7, from 9 AM to 4 PM will be added in addition to the previously scheduled days of 9 AM to 4 PM on January 5, 6, and 8.

Please let us know if you have any questions.

Thanks!

From: Kevin Bass <kbassphiladelphia@gmail.com>
Sent: Tuesday, January 6, 2026 8:30 AM
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Subject: Schedule change

CAUTION: This email originated from outside of TTUHSC. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Registrar,

Yesterday was mentioned that a meeting was moved out of the Weds. slot, allowing the Thursday date to be moved to Weds. potentially.

I am therefore requesting that we use the Weds slot and hold the Thursday

Exhibit K — continued

in reserve in case my review is not complete by the end of Weds.

Sincerely,
Kevin Bass

Kevin Bass PhD MS
Phone: 512-333-4092

From: Kevin Bass <kbassphiladelphia@gmail.com>
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Date: Wed, 07 Jan 2026 01:32:14 +0000
Subject: Re: Schedule change
Noted. Thank you.
Kevin Bass PhD MS
Phone: 512-333-4092

From: Kevin Bass <kbassphiladelphia@gmail.com>
To: LUB_FMB_Registrar <Registrar@ttuhsc.edu>
Date: Wed, 07 Jan 2026 01:32:42 +0000
Subject: Re: Schedule change
I will be there at 9AM tomorrow.
Kevin Bass PhD MS
Phone: 512-333-4092

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 111913822

Filing Code Description: APLD - Amended Pleading

Filing Description: Fourth Amended Verified Original Petition

Status as of 3/3/2026 8:23 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Tristan A Garza		tristan.garza@oag.texas.gov	3/3/2026 7:16:06 AM	SENT
Karla Gutierrez		karla.gutierrez@oag.texas.gov	3/3/2026 7:16:06 AM	SENT
Scott D. Smith		scott.smith@oag.texas.gov	3/3/2026 7:16:06 AM	SENT
Kevin N. Bass		kbassphiladelphi@gmail.com	3/3/2026 7:16:06 AM	ERROR