

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

KEVIN N. BASS,
Plaintiff,

v.

TEXAS TECH UNIVERSITY HEALTH
SCIENCES CENTER, et al.,
Defendants.

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Civil Action No. 5:25-cv-00244-H-BV

**PLAINTIFF'S APPENDIX IN SUPPORT OF PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION TO DISMISS (DOC. 27) AND PLAINTIFF'S
MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT (DOC. 26)**

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This Appendix compiles documents central to and referenced by the complaint, Lone Star Fund V (U.S.), L.P. v. Barclays Bank PLC, 594 F.3d 383, 387 (5th Cir. 2010), in support of the Rule 15(a)(2) futility analysis for Doc. 26. "FERPA Doc #####" refers to Plaintiff's internal identifier for a specific record reviewed during the January 2026 FERPA inspection of Plaintiff's educational records.

TAB A: DEFENDANTS' CONTEMPORANEOUS ADMISSIONS

A-1. On Safety

Official	Statement	Source
Williams	"I've never sensed threat or danger or anything like that"	Nov 5, 2023 recording [01:49:04]
Williams	Checked " NO " on Q5: "Does this involve criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats?" — yet signed the emergency removal that triggered the BOLO stating "life-or-death situation"	Interim Suspension Questionnaire (Exhibit E-011), Nov 3-4, 2023
Vince Fell (institution's Threat Assessment reviewer)	Q: "What was the threat of destruction expressed in this post?" A: " Post? None. Nothing. "	Dec 11, 2023 hearing
Fell	University was NOT placed on lockdown	Dec 11, 2023 hearing
Forbes	"I did not feel physically threatened by Kevin but I sure felt like he was threatening my career... I feel Kevin is backed into a corner and I am not 100% sure how he will behave. "	FERPA Doc 0043 (Aug 14, 2023 meeting account)
Williams (investigation)	Investigated the August campus debadging; confirmed Forbes walked back physical threat to career	FERPA Doc 0835 (Nov 6, 2023)

	threat; campus block was reversed when "threat level was not as severe as first perceived "; then wrote institution will "continue to use an abundance of caution " and procedures followed "school policies" — wrote this report while the second removal (signed Nov 4) was already in effect	
Williams (recording)	Plaintiff recorded Williams admitting he knew Plaintiff was not a threat — one day after signing the second emergency removal and one day before writing the investigation report documenting the first was an overreaction	Nov 5, 2023 recording
Korinek	"Kevin is not a danger to anyone. I don't believe he ever had any intention of physically harming anyone at TTUHSC."	Dec 8, 2023 letter
Erwin	" I don't take that to be a threat from you but boy, I understand how other people would get that. You and I have worked very intensively on a lot of personal issues. I get who you are."	Dec 11, 2023 hearing
Frantz (PGY-4, Psychiatry)	"He had no intention in this communication to threaten anyone "; described Plaintiff as showing " remarkable maturity and self awareness "	Support letter
Wilson	"I did not interpret it as a threat by myself. I looked for context"	Dec 11, 2023 hearing
Bates	"This is due to recent posts on social media . There is no threat to you specifically ."	Dec 5, 2023 email (FERPA Doc 1143)

TAT process	Threat Assessment did not consult Plaintiff's regular contacts—Trotter, Erwin, or Frantz—before making its determination	Dec 11, 2023 hearing
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The BOLO stated "**threatening statements**" and "**call 911 for life-or-death situation.**"

A-2. On Protected Speech

Official	Statement	Source
Justyna → Cobbs	" After our training with General Counsel recently regarding free speech I know there is little we can do when students express opinions , even very unfortunate or out of the mainstream ones." Then: "Pam, Lauren, do you recognize this student? " Defendant Cobbs replied same day : "Yes Kevin Bass is enrolled in the MD/PhD program... Let me know if I can be of assistance." (FERPA Doc 1437.) Same day, Berk separately mobilized Williams and Schneider about the identical tweets.	Aug 24, 2020 email (FERPA Doc 1432, 1437)
Berk	" Free speech issue?? "	Aug 2020 email
Williams	" It is obviously protected speech ... we need to discuss an appropriate response. "	Feb 1, 2023 email (FERPA Doc 953)
Berk	"We had problems with him on Twitter before... same free speech issues... I think we should discuss with legal. "	Feb 1, 2023 response (FERPA Doc 1004)
Williams	" Free speech is free speech "	Nov 5, 2023 recording [00:35:39]
Hearing Officer	"There is a First Amendment	Dec 11, 2023 hearing

	issues related to someone's free speech."	
Williams	"We have no problems with your tweets. You are free to post whatever you want." — 63 days before removal	Sep 2, 2023 email (FERPA Doc 953)
Kopel	"You should take Joe Rogan off your twitter" — fellow student speech policing 23 months before tweet	Dec 2021
Ganapathy	"I do not know when you will stop this charade. Please be sensible because you are hurting others." — PhD advisor forwarding external viewpoint complaint targeting "anti-vaxx, anti-Covid" speech, 7 months before tweet	Apr 15, 2023 email

A-3. On Motive

Official	Statement	Source
Williams	Response was "pretty extreme"	Nov 5, 2023 recording [01:05:17]
Williams	Could "only think of this happening once before" in all his years	Nov 5, 2023 recording
Williams	"People shouldn't overreact to your tweets"	Nov 5, 2023 recording [00:53:29]
Bates	Plaintiff "has been removed... due to his social media... no threat to you specifically"	Post-removal email
Cobbs	"It is not a dispute that he has a right to say whatever he wishes. However as a matter of professionalism... "	Aug 22, 2023 internal document
Erwin	"The social media issues came up. They cannot be ignored. They raise issues of constitutional free speech... He seems to be taking his	FERPA Doc 0124, coaching notes (post-Aug 8, 2023)

	First Amendment rights to make an idiot of himself"	
Erwin	" KB has imbibed the cultural atmosphere of conspiracy theories. This is reflected in his combative attitude towards me and everyone who is trying to help him, as well as towards the CDC response to COVID as a conspiracy." Compared Plaintiff to Trump indictment in same document.	FERPA Doc 0124
Erwin	" K has an extremely high need to feel significant which he lives out through intellectual narcissism "; " K has a high level of paranoia and fear that he is being targeted "; "K is unable to differentiate attention from online followers and real life relationships"	FERPA Doc 0083
Erwin	" Stop and think about what you really want. You love the attention from social media but recognize that a lot of people in your real life have stopped talking with you. Which do you really want?" — coaching explicitly targeting protected First Amendment activity	FERPA Doc 0083/0132
Erwin	Oct 4, 2023: " I have come to believe the incident with the first clerkship, the incident of intimidating Rachel Forbes and the incident of sexually harassing all stem from his resentment and inability to be emotionally honest with himself " — pre-concluded all complaints were personality defects before testifying	Erwin coaching notes, Oct 4, 2023

Erwin	Nov 29, 2023: " I consider a legal action against my employer a direct disregard of and abandonment of our friendship " — equated Plaintiff's exercise of right to file suit with personal betrayal	Erwin coaching notes, Nov 29, 2023
Erwin	Two-faced contrast: privately wrote "conspiracy theories," "intellectual narcissism," "paranoia," "making an idiot of himself" while texting Plaintiff "You were lovely" (Sept 7), "I will not abandon you... Your friend, Dr. Erwin" (Oct 29)	FERPA Doc 0083/0124 vs. text messages
Erwin	"Goal: overarching goal is to find a path for K to stay in med school. Outcome: moderating his behavior, especially his communications with others. " Last saved December 11, 2023 — day of hearing. Enrollment conditioned on speech modification.	FERPA Doc 0132
Ganapathy	Admin told advisor " don't whitewash " Plaintiff — institutional directive 8 months before tweet	Mar 2023
Institutional	Pam Johnson's compiled dossier (FERPA Doc 1432): tweets, Newsweek articles, external complaints, social media posts, academic records retroactively assembled from 2020 through 2023 . External complainants' letters filed. Plaintiff's reaction: " They put this in my file! "	FERPA Doc 1432 (multi-page compiled dossier)
Williams	Grievances " very quickly turn into a burgeoning	Nov 5, 2023 [00:49:03]

	sense of people feeling threatened"	
Wilson	Faculty fear was " fear of retaliation "—not physical harm, but that Plaintiff would file complaints about them	Dec 11, 2023 hearing
Wilson	"It doesn't feel that it's a malicious type of unprofessional behavior ... I don't think you're walking and doing things on purpose"	Oct 13, 2023 recording
Wilson	"I'm not sure quite if it's just a personality thing for you... and then it comes off that way"	Oct 13, 2023 recording
Trotter	Had Plaintiff's Twitter feed open during meetings; offered binary "withdraw or hearing" ultimatum	Nov 2023

A-4. On Fair Process

Official	Statement	Source
Williams	" That's just not the way the process works " (re: pre-removal conversation)	Nov 5, 2023 recording [01:10:29]
Plaintiff → Williams	Plaintiff told Williams: "this process has not seemed very transparent to me" — Williams did not dispute	Nov 5, 2023 recording [00:08:59]
Williams	" You're right. I am in a position of power. "	Nov 5, 2023 recording [01:48:13]
Trotter	Promised grievances would be heard first because it "provides you the most protection"	Pre-hearing recording
Actual	Structure reversed morning-of hearing; grievances heard LAST after 10+ hours	Dec 11, 2023
Forbes	" No specifics will be given " (re: incident-level notice)	July 21, 2023 email

Trotter	Plaintiff asked Trotter to testify as a defense witness (on recording); Trotter said he would ask; later told Plaintiff he could not, citing General Counsel	Pre-hearing recording; TAC ¶63
Witness count	Administration: 18 authorized, 10 testified. Plaintiff: 0 (all denied)	Dec 11, 2023 hearing; Board Determination fn.4
Time allocation	~10 hours adverse testimony, ~30 minutes defense	Dec 11, 2023 hearing
Korinek	"I did NOT attend the meeting in which the decision was made... My Associate attended, but only listened to the proceedings. She did not give any input" — mental health professional had NO input on "threat" determination	Nov 10, 2023 email
Appeals Panel	"Lack of specificity in descriptions of the lapse in professionalism" — reversed earlier finding against Plaintiff; within 11 days, two new evaluations with unprecedented specificity appeared (TAC ¶68)	Sept 7, 2023 SPPCC appeal

A-5. On Disability Awareness

Official	Statement	Source
Department	"He may struggle to overcome difficulties relating socially to patients and members of the medical team"	May-June 2023 MRFA
Preceptors	" Multiple preceptors have remarked on his awkwardness "	May-June 2023 MRFA
Faculty	" Struggles. Not smooth at all. Seems uneasy, beyond	May-June 2023 evaluation

	what I would have expected"	
Wilson	Testified Plaintiff had trouble with " social cues " — Wilson's own term	Dec 11, 2023 hearing
Wilson	"I'm not sure quite if it's just a personality thing for you... and then it comes off that way"	Oct 13, 2023 recording
Plaintiff	" I'm gonna be quiet. A lot more quiet than I've been... I feel antisocial and I hate it " (said directly to Defendant Wilson)	Mid-Sept 2023 recording
Erwin	Plaintiff " probably on the spectrum of autism "	Dec 11, 2023 hearing
Erwin	NO REFERRAL to autism specialist made despite this assessment	Aug-Oct 2023 coaching
Erwin	"His biggest emotion is fear"	Dec 11, 2023 hearing
Korinek	Warned of " confirmation bias whereby his mistakes are viewed more negatively"	Dec 8, 2023 letter
SDS	Issued NO accommodation determination before 14-hour hearing	Dec 11, 2023
Gibson	Called 15-minute break to deliberate on accommodations, then denied every substantive request (attorney participation, neuropsychologist testimony, unredacted eval) while offering water, snacks, and breaks — performative gestures available to any participant regardless of disability	Dec 11, 2023 hearing
Wierzchowski	ASD " is not found to be indicative of increased chances toward criminal activity or violence "; Plaintiff is " a sensitive and gentle individual "	Dec 6, 2023 neuropsych eval (TTUHSC-0000068)

Gibson	Redacted accommodation recommendations from neuropsych eval as "outside scope"	Dec 11, 2023
Department	" In looking ahead at Mock OSCE/OSCE, please send me any accommodations you have directly so those can be kept in mind for scheduling. " — proactive solicitation for exams; no equivalent solicitation for Dec 11 hearing	Jul 24, 2023 email
Board (Defs' Ex. 8)	Referenced Plaintiff's " pre-existing ADHD diagnosis " — Board's own admission that TTUHSC knew of a qualifying disability before December 2023	Dec 27, 2023 Board Findings

Wilson	" It doesn't feel that it's a malicious type of unprofessional behavior... I don't think you're walking and doing things on purpose " — acknowledged behavior was neither intentional nor malicious, yet continued filing misconduct reports and testified in support of dismissal for that same behavior	Oct 13, 2023 recording
Erwin	FERPA Doc 0132 (created Aug 10, 2023, last saved December 11, 2023 — the day of the hearing): "Goal: overarching goal is to find a path for K to stay in med school. Outcome: moderating his behavior, especially his communications with others. " — conditioned continued enrollment on	FERPA Doc 0132

	speech modification while pathologizing disability traits	
25 hours of recordings	Approximately thirty to forty patient encounters across pediatrics and family medicine rotations: ZERO socially inappropriate moments. Resident: "I'm just gonna wait" (Plaintiff handling family communication competently). Classmate confirmed Plaintiff reads social cues. DeSoto: "You're doing great." Family Medicine resident: assessment plan was "great."	Sept 27 – Nov 1, 2023 recordings (TAC ¶142B)

Defendants' awareness of Plaintiff's disability predated the formal diagnosis by **7 months**. Twenty-five hours of contemporaneous clinical recordings directly contradict the characterizations used to dismiss Plaintiff.

TAB B: THREAT ASSESSMENT QUESTIONNAIRE

Williams completed TTUHSC's Interim Suspension Questionnaire on November 3-4, 2023.

Williams's Ten-Question Threat Assessment

Q#	Question	Answer	Williams's Justification	Context
1	Physical/emotional well-being endangered?	Yes	"Several faculty members and staff contacted members of the SOM administration after seeing Dr. Bass' post on X, expressing concern for personal safety."	The "concerned" faculty were the same people Plaintiff had grievances against (Q3).
2	Presence could disrupt operations?	Yes	Cited 3 pending complaints (crush texts, illness photos, patient contact) and said "tension and concern... escalated" after the tweet.	Three unrelated complaints — none involving violence — used to bootstrap a tweet into an "emergency."
3	Significant articulable continuous threat?	Yes	"Dr. Bass has filed several grievances... Those involved in the processes were among those expressing a high degree of concern."	The "threatened" people were the subjects of Plaintiff's grievances — a conflict of interest.
4	Sexual misconduct / stalking?	No	—	—
5	Criminal felony /	No	—	Williams

	terroristic threats?			confirmed: NOT a terroristic threat. The BOLO stated "threatening statements" and "call 911 for life-or-death situation."
6	Severe disruption / erratic behavior?	Yes	"Dr. Bass has tended to place the blame for his behavior on others rather than reflecting on his own role."	Filing grievances recharacterized as "placing blame."
7	No Contact Order violation?	No	—	—
8	Retaliatory harm / harassment?	Yes	"Dr. Bass has filed numerous grievances against members of the TTUHSC faculty and staff in response to their assessments of his professional behavior."	The institution's own form classifies grievance-filing as "retaliatory harm."
9	Could result in suspension/expulsion?	Yes	"Dr. Bass is facing disciplinary hearings about concerning behavior."	The hearings were triggered by the very assessment being completed.
10	Credible evidence?	Yes	"Evidence includes the comments of assessors in clinical clerkships, complaints	The tweet — a philosophical reflection on mortality — was the "credible evidence" for emergency

			about the behavior of Dr. Bass and the post on X."	removal.
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Summary: 7 "Yes" answers, 3 "No" answers. The only "No" answers — Q4, Q5, Q7 — correspond to questions where the objective record left no room for an affirmative answer.

Source: `SOM - BASS, K. Threat Assessment Conference.Interim Suspension.txt` (Exhibit E-011), lines 195-332.

Threat Assessment Protocol Flowchart

The same document contains TTUHSC's Student Threat Assessment Protocol — a written decision tree that governs the emergency removal process. The protocol contains a mandatory decision point:

"Is There any Physical or Other Credible Evidence (e.g., Injuries, Witness Statements, Video Surveillance)?"

- ***If Yes*** → *After conferring with OGC, Chief of Police requests security hold and considers criminal trespass*

- ***If No*** → ***"No Security Hold or Criminal Trespass is Issued"*** (mandatory outcome)

In Plaintiff's case:

- **No injuries** existed.
- **No witness statements** identified a specific person threatened by Plaintiff.
- **No video surveillance** captured threatening behavior.
- Williams's own Q10 answer cited only "comments of assessors," "complaints about behavior," and "the post on X" — none of which constitute "Physical or Other Credible Evidence" as the protocol defines it.

The protocol's mandatory pathway required: "No Security Hold or Criminal Trespass is Issued." TTUHSC issued **both**.

Source: `SOM - BASS, K. Threat Assessment Conference.Interim Suspension.txt` (Exhibit E-011), lines 69-193.

TAB C: HEARING RECORD EXCERPTS

December 11, 2023 hearing. Based on Plaintiff's notes from post-hearing review of the hearing recording.

C-1. Key Testimony

Speaker	Verbatim Quote
Gibson	Self-identified as a "retained" Littler Mendelson attorney
Gibson	Denied Plaintiff's neuropsychologist because "the university did not have time to identify [a] rebuttal witness"
Gibson	Added Erwin as university witness morning-of: "I'm going to allow Dr. [Erwin] to be added as a witness"
Gibson	Told Plaintiff "you have 20 more minutes" for all remaining questioning (after Wilson's ~80-minute examination against stated 30-min/witness limit)
Wilson	Faculty fear was " fear of retaliation " — meaning Plaintiff would file complaints, not physical harm
Gibson	"There is a First Amendment issues related to someone's free speech"
Fell	Q: "What was the threat of destruction expressed in this post?" A: " Post? None. Nothing. "
Erwin	" I don't take that to be a threat from you but boy, I understand how other people would get that... I get who you are."
Erwin	Plaintiff " probably on the spectrum of autism "
Gibson	Promised rules would be "applied equally both parties"
Gibson	"I'm not going to allow that testimony" (re: neuropsychologist)
Gibson	"Your attorneys cannot ask questions of witnesses directly"

Hearing Asymmetry Summary

Procedure	University	Plaintiff
Wilson examination time	~80 minutes (against stated 30-min/witness limit)	~20 minutes remaining for all questioning (Gibson: "you have 20 more minutes")
Late witness additions	Erwin added morning-of: "I'm going to allow"	Neuropsychologist: "did not have time to identify rebuttal witness"
Objections	Raised procedural points throughout	Contemporaneous objections banned
Evidence	Late/redacted evidence accepted	Accommodation evidence "outside scope"
Cross-examination	Full questioning allowed	Written questions subject to rejection
Witness count	18 authorized, 10 testified	0 witnesses (all denied)

Time Allocation

- Administration: ~10 hours adverse testimony
- Plaintiff: ~30 minutes defense
- Total proceeding: ~14 hours

BOLO References in Hearing Record

A comprehensive review of Plaintiff's notes from post-hearing review of the hearing recording confirms **zero references** to "BOLO," "be on the lookout," "trespass warning," "campus ban," or "security poster" anywhere in the proceeding. The hearing never addressed the dangerousness stigma.

C-2. Hearing Officer's Selective Invocation of Legal Authority

Gibson framed the hearing as "not an adversarial courtroom proceeding" to deny Plaintiff

cross-examination and attorney participation. Yet when Plaintiff attempted to question witnesses, Gibson invoked legal standards to restrict Plaintiff's participation:

Gibson Ruling	Context	Effect
"This is not an adversarial courtroom proceeding"	Denying attorney questioning and cross-examination	Legal protections denied
"From a legal perspective , questions that are problematic"	Interrupting Plaintiff's questioning of witnesses	Legal authority invoked to restrict Plaintiff
Referenced " evidentiary concerns "	Blocking Plaintiff's lines of inquiry	Legal standards applied against Plaintiff
Referenced " legal matter objections "	Sustaining objections against Plaintiff	Legal procedure enforced one-directionally

The consequences of the proceeding were entirely legal — permanent dismissal, criminal trespass, BOLO, police escort — but the protections that accompany legal proceedings (cross-examination, objections, attorney participation) were denied as inapplicable to a "non-legal" proceeding.

C-3. Hot Mic Audio Evidence — "Incapable of Remediating" Contradicted by 25 Hours of Recordings

Plaintiff possesses contemporaneous audio recordings spanning approximately twenty-five hours of clinical activity across his pediatrics and family medicine rotations (September 27 through November 1, 2023), capturing approximately thirty to forty patient encounters with children, parents, residents, attending physicians, and clinic staff. None were made for litigation purposes. Across this entire body of recordings, there is not a single instance of socially inappropriate behavior, failure to read social cues, difficulty with interpersonal communication, or conduct that could reasonably be characterized as a "social skills deficit." (TAC ¶142B.)

Source	Quote / Observation	Significance
Senior Resident (Oct 11,	"I feel like I interject too	Resident chose not to

2023)	much, so I think I'm just gonna wait"	intervene because the third-year medical student was handling family communication competently
Supervising Resident	Q: "Anything I could have done better?" A: "I don't think I thought of anything. I really don't."	No deficiency identified by direct supervisor
DeSoto (attending physician, ~3 weeks contact)	"You're doing great"; formal evaluation: "good HPI"; wrote letter of recommendation	Confidence in Plaintiff's clinical knowledge — independent evaluator outside Wilson's sphere
Family Medicine resident (Nov 2023)	Assessment plan was "great" and "included discussion of the clinical decision making reasoning"	Different department, different team — same competent performance
Resident (Wyatt patient encounter, Oct 2023)	"I think you did a good job reassuring them"	Direct supervisor praised Plaintiff's patient/family communication
Wilson (private recordings)	"A tremendous love of learning"; "very invested in [his] patients"; "really pretty decent about asking and seeking feedback"	Wilson praised Plaintiff privately while building adverse file officially

Eating Disorder Patient — Clinical Excellence Recharacterized as Misconduct (TAC

¶142C). Plaintiff earned the trust of an adolescent with an eating disorder, received the patient's first-time sexual abuse disclosure — a disclosure that occurs only when a patient feels safe — and filed a CPS report on the direction of hospital expert Conyer. The institution converted this episode of clinical excellence into three adverse evaluations (Nunez: "not following instructions"; Eboh: "time management"; Jensen: cross-referenced Nunez without firsthand observation).

The "Be Honest" Trap (TAC ¶142D). Plaintiff was told to "be honest" about areas for improvement. He was genuinely self-critical — and his evaluations then contained those same self-criticisms "almost magnified, like almost exaggerated and then stated as if it was like a fact."

The pattern — literal compliance with explicit instruction producing adverse consequences — mirrors the CPS episode and the grievance-filing retaliation (TAC ¶58): in each instance, Plaintiff did exactly what an authority figure told him to do, and the institution used his compliance against him.

These recordings directly contradict:

- Erwin's characterization that Plaintiff "lacks basic social skills" (TAC ¶39(b))
- The Board's finding that Plaintiff was "incapable of remediating or modifying his behavior"
- Defendants' claim that the dismissal was based on genuine professionalism deficiencies rather than retaliation

TAB D: GIBSON CONTRACT SUMMARY

D-1. OCC Contracts Between TTUHSC and Gibson

Contract	Period	Amount	Rate	Firm
OCC 2020-768-0641	Mar 2020 – Aug 2021	\$49,000	\$475/hr	Littler Mendelson
OCC 2020-768-0674	Jun 2020 – Aug 2021	\$49,000	\$475/hr	Littler Mendelson
OCC 2022-768-0123	Sept 2021 – Aug 2023	\$49,000	\$525/hr	Littler Mendelson
OCC 2022-768-0124	Sept 2021 – Aug 2023	\$49,000	\$525/hr	Littler Mendelson
OCC 2024-768-0010	Sept 2023 – Aug 2025	\$49,000	\$525/hr	Littler Mendelson
OCC 2024-768-0018	Sept 2023 – Aug 2025	\$49,000	\$525/hr	Littler Mendelson
OCC 2025-768-0071	May 2025 – Aug 2025	\$50,000	\$525/hr	Michael Best & Friedrich
OCC 2026-768-0034	Sept 2025 – Aug 2027	\$49,000	\$525/hr	Michael Best & Friedrich
TOTAL	Mar 2020 – Aug 2027	\$393,000+		

Contract scope: "Outside counsel will provide legal advice and consultation regarding employment law... Outside counsel may also serve as a hearing officer for employment and academic grievance hearings."

Total documented payments around the hearing period: \$37,891.75+ (Voucher No. 5, March 2024).

When Gibson moved from Littler Mendelson to Michael Best & Friedrich, TTUS executed a new OCC with his new firm — the contracts were personal to Gibson.

D-2. Predetermination Evidence

The following timeline demonstrates predetermination:

- **Apr 26, 2023** (7 months before tweet): Trotter: "I will help collect more information" (TAC ¶55(a))
- **Jun 26, 2023**: Forbes emailed Trotter evaluation documents "ahead of our meeting tomorrow" — feeding him evidence 5 months before tweet (FERPA Doc 0887)
- **Aug 4-8, 2023**: Forbes personally drafted and edited the SPPCC letter; document metadata shows Forbes AND Cobbs edited the file; singular "event" changed to plural "events" to broaden charges (FERPA Doc 0436-0438)
- **Sep 7, 2023**: Williams circulated "Draft for appeal decision" for the SPPCC appeal — the same day Plaintiff won that appeal (FERPA Doc 949)
- **Sep 29, 2023** (5 weeks before tweet): Wilson filed misconduct report recommending "suspension or dismissal" (IR00000505)
- **Nov 4, 2023** (37 days before hearing): Forbes disseminated exclusion directive to 30+ Covenant Branch personnel (TAC ¶118)
- **Nov 9, 2023**: Trotter offered binary "withdraw or hearing" ultimatum (Nov 16 recording [17:44])
- **TAR Q8**: Institution's own Threat Assessment classified grievance-filing as "retaliatory harm" — treating protected petitioning as evidence of dangerousness (TAC ¶58)

D-3. Hearing Asymmetry

Procedure	University	Plaintiff
Witnesses authorized	18 (10 testified)	0
Testimony time	~10 hours	~30 minutes
Late witness additions	Erwin added morning-of: "I'm going to allow"	Neuropsychologist denied: "university did not have time to identify rebuttal witness"
Wilson examination	~80 minutes (against stated 30-min limit)	Gibson: "you have 20 more minutes" for all remaining

		questioning
Objections	University raised procedural points throughout	"Parties shall not make objections"

Gibson stated at the hearing's outset that any exception "shall be applied equally both parties." The hearing record shows otherwise.

TAB E: PUBLICATION CHAIN

E-1. Publication Channels (200+ Documented Recipients)

Channel	Recipients	Date
Forbes Covenant Branch Email	30+ campus personnel	Nov 4, 2023
BOLO Campus Posting	Campus-wide	Nov 4, 2023
BOLO Clinical Sites	UMC, Covenant staff	Nov 2023
Bates Email to grievance targets	"He has been removed... due to his social media"	Dec 5, 2023
Forbes "VACATION" Email	Class distribution lists (TAC ¶121)	Jan 7, 2024
UMC Hospital Poster	"If anyone sees Kevin Bass at UMC to contact security immediately"	Nov 2023
Criminal trespass warning	TTU Police enforcement	Nov 4, 2023
Parchment transcript verifications	Third-party schools/employers	Oct 2025+
Third-party social media	Public (Discord, X)	Jan 2024+

Forbes's January 7, 2024 broadcast: "We are **one student lighter** than last week, and I hope we can all **breathe a sigh of relief...** just **check his Twitter.**" In the **same email**, Forbes announced: "Dr. Nunez is no longer the Assistant Vice Dean on our campus... I am **extremely excited to announce Dr. Jennifer Wilson has replaced him!!**" The juxtaposition linked Wilson's career advancement to the outcome she helped produce — Wilson generated five of six professionalism evaluations, served as one of the Board's two most relied-upon witnesses, and received a promotion announced in the same message celebrating Plaintiff's dismissal (TAC ¶121). Forbes **attempted to recall** this email.

E-2. Per-Official Stigmatizing Publication

Defendant	Stigmatizing Act	Contemporaneous Private Statement	Date	Source

Williams	Signed emergency removal triggering BOLO to 200+ recipients	"I've never sensed threat or danger "; "People shouldn't overreact to your tweets"	Nov 4 / Nov 5, 2023	FAC ¶34; recording [01:49:04], [00:53:29]
Forbes	Covenant Branch exclusion email to 30+ personnel following TAT meeting	"more of a threat to her career and not an overt physical threat"	Nov 4, 2023 / Aug 2023	FAC ¶35A; TAC ¶118
Forbes	"One student lighter... check his Twitter " broadcast to ~200 students (attempted recall). Same email announced Wilson's promotion : "Dr. Nunez is no longer the Assistant Vice Dean... I am extremely excited to announce Dr. Jennifer Wilson has replaced him!!" — linking Wilson's career advancement to the outcome she helped produce	Knew Fell (TAR) found no threat; deliberately withheld from students ("platform... wasn't fair"). Wilson promotion juxtaposition telegraphs reward structure for participating in Plaintiff's removal	Jan 7 / Nov 7, 2023	TAC ¶121; FERPA records p. 53
Cobbs	Distributed BOLO campus-wide; coordinated threat assessment meeting	"It is not a dispute that he has a right to say whatever he wishes"	Nov 4 / Aug 22, 2023	FAC ¶34; Aug 2023 document

Bates	"He has been removed... due to his social media " — to grievance targets + "do not forward"	" No threat to you specifically " — in the same email	Dec 5, 2023	TAC ¶120
Wilson	Filed misconduct report recommending "suspension or dismissal" 5 weeks pre-tweet	"It doesn't feel that it's a malicious type of unprofessional behavior... I don't think you're walking and doing things on purpose "	Sept 29 / Oct 13, 2023	IR00000505; recording
Trotter	Administered conduct process; presented binary "withdraw or hearing" ultimatum	Promised consolidation " provides you the best due process " and " protections for you " — then administered hearing with objection ban, expert exclusion, and reversed hearing order	Nov 16 / Dec 11, 2023	Recording; Plaintiff's hearing review notes
Gibson	Presided over hearing; excluded neuropsych expert; banned objections	"There is a First Amendment issues related to someone's free speech " — acknowledged constitutional dimension, then proceeded	Dec 11, 2023	Plaintiff's hearing review notes
Justyna	Emergency removal determination: " threats against another student "	Sole "credible evidence" cited = the Nov 3 tweet. No specific student identified.	Nov 4, 2023	TAC ¶112
DeToledo	Dismissal letter terminating	Informed by Forbes/Williams	Dec 29, 2023 /	Defs' Ex. 10;

	enrollment	the same day; escalated to President	Nov 7, 2023	email chain
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TAB F: MASTER CHRONOLOGY AND STATUTE OF LIMITATIONS

F-1. Chronology

Bass v. TTUHSC, Civil Action No. 5:25-cv-00244-H-BV (N.D. Tex.)

Phase 1: Speech Surveillance Begins (2020)

Date	Event	Significance	Counts
Aug 24, 2020	Berk "Free speech issue??" email — flags Plaintiff's Twitter posts; notes Plaintiff had NOT used school's name; references "threat assessment meeting"; describes concern as "PR issue" not safety	First documented speech surveillance; explicit acknowledgment of constitutional protection	Count 5, QI defeat
Sep 14, 2020	Williams references Plaintiff's "misbehavior on social media"	Continuation of surveillance pattern	Count 5
Late 2020	Schneider (GSBS Dean): "He hasn't posted anything too problematic... following up with him next week would be a good plan" (FERPA Doc 1012)	Sustained institutional monitoring regime — Dean personally cataloguing tweet content	Count 5, QI

Phase 2: Protected Speech & Grievances (2021-2023)

Date	Event	Significance	Counts
2021-2023	Plaintiff publishes Newsweek article; public commentary on COVID-19 policies; files multiple formal grievances; requests	Protected activities predating retaliation	Count 5, Count 6

	disability accommodations. 6 of 7 grievances rejected — all those filed against faculty.		
Feb 2023	Williams: "obviously protected speech... appropriate response"	Explicit 1A acknowledgment BEFORE escalation	Count 5, QI defeat
Apr 26, 2023	Trotter: "I will help collect more information" — 7 MONTHS before tweet	Documentation campaign	Count 5, Count 3
May 22, 2023	Classmate emailed administrator about Plaintiff's "MedTwitter" presence (84K followers); same day, Cobbs forwarded to Berk and Williams: "Need to discuss..."	Dean-level mobilization on speech — 5.5 months pre-tweet	Count 5, QI
May 23, 2023	Berk emailed Williams, Cobbs, Islam: "At our meeting can we discuss Kevin Bass and review our guidelines on professionalism... also what clerkship he is on"	Senior administrators convened to discuss a student's Twitter and determine clinical assignment	Count 5, Count 3, QI
Jun 14, 2023	Plaintiff preemptively locks social media: "I locked my social media accounts if that is any concern" — 5 MONTHS before tweet	Chilling effect already operating	Count 5
Jun 15, 2023	Nunez: "nothing to do with your social media" — CC'd Williams and Forbes (who knew	Concealment of speech-based motive	Count 5, QI

	otherwise)		
Mid-2023	Plaintiff requests incident-level notice from Williams, Cobbs, Forbes	Notice defect documented	Count 3
Jul 21, 2023	Forbes: "No specifics will be given"	Notice defect by Defendants' own email	Count 3
Aug 2023	Forbes: "more of a threat to her career and not an overt physical threat"	Forbes knew Plaintiff not dangerous	Count 4, Count 5
Post-Aug 8, 2023	Erwin coaching notes: "He seems to be taking his First Amendment rights to make an idiot of himself" — professionalism coach admits constitutional rights at stake	Viewpoint discrimination in remediation	Count 5, QI
Aug 22, 2023	Cobbs: "not a dispute... right to say whatever he wishes. However as a matter of professionalism..."	Conscious plan to circumvent 1A	Count 5, Count 3, QI
Sep 7, 2023	Williams: "Draft for appeal decision" for SPPCC appeal — same day Plaintiff won appeal	Charging admin drafted appellate authority's decision — structural role-blurring	Count 3
Sep 2, 2023	Williams: "We have no problems with your tweets" — 63 days before removal	Explicit approval before citing tweets for removal	Count 5, QI (CRITICAL)
Sep 29, 2023	Wilson files misconduct report recommending "suspension or dismissal" — 5 WEEKS before tweet	Recommendation predates precipitating event	Count 5, Count 3

Phase 3: The November 2023 Crisis

Date	Event	Significance	Counts
Nov 3, 2023	Plaintiff posts philosophical tweet — no names, no threats	Protected speech	Count 5
Nov 3-4, 2023	Williams checks "NO" on terroristic threats	Own form contradicts BOLO	Count 4, QI
Nov 4, 2023	Emergency Removal — 24 HOURS after tweet	Temporal proximity	Count 3, Count 5
Nov 4, 2023	BOLO: "threatening statements," "call 911 for life-or-death"	False dangerousness characterization	Count 4, Count 7
Nov 4, 2023	Forbes exclusion email to 30+ Covenant Branch personnel	Publication to clinical affiliates	Count 4, Count 5
Nov 4, 2023	Criminal Trespass Warning — enforced ~1 year	"Plus" deprivation	Count 3, Count 4
Nov 2023	BOLO at UMC hospital	Third-party dissemination	Count 4, Count 7
Dec 5, 2023	Bates: "removed... due to social media... no threat to you specifically"	Direct causation + no-threat admission	Count 5, Count 4
Nov 5, 2023	Williams: "never sensed threat"; "pretty extreme"; "free speech is free speech"; "only once before"	Multiple admissions	Counts 3-5, QI
Nov 9, 2023	Trotter: "Someone above... made the decision on behalf of everyone else"	Unilateral decision	Count 3, Count 5

Phase 4: The December 2023 Hearing

Date	Event	Significance	Counts
Dec 6, 2023	Neuropsych eval recommends communication supports	Expert recommendations suppressed	Count 1, Count 2
Dec 8, 2023	Counsel emails Board Chair with diagnoses	Knowledge established	Count 1, Count 2, Count 6
Dec 8, 2023	Korinek: "not a danger to anyone"; "confirmation bias"	Internal warning ignored	Count 3, Count 4, QI
Dec 11, 2023	Hearing structure reversed morning-of	Broken promise, manipulation	Count 3
Dec 11, 2023	No SDS accommodation determination	Proceeded without required process	Count 1, Count 2
Dec 11, 2023	Gibson grants 4 mid-hearing accommodations	Proves accommodation was possible	Count 1, Count 2
Dec 11, 2023	Neuropsychologist excluded as "outside scope"	Key evidence suppressed	Count 1-3
Dec 11, 2023	18 authorized admin witnesses (10 testified) vs. 0 for Plaintiff	Structural unfairness	Count 3
Dec 11, 2023	Fell: "Post? None. Nothing."	No threat	Count 4, Count 5, QI
Dec 11, 2023	Erwin: "probably on the spectrum of autism"	Institutional disability awareness	Count 1, Count 2

Phase 5: Post-Hearing (2024)

Date	Event	Significance	Counts
Jan 1, 2024	Third party publicly posts expulsion before official notice	FERPA violation	Count 4
Jan 7, 2024	Forbes: "one student lighter... breathe a	Consciousness of wrongdoing	Count 4, Count 5

	sigh of relief... check his Twitter" — attempted recall		
Jan 11, 2024	Appeal denial (Kruse, designated by D'Agostino)	"Plus" finalized	Count 4
Feb 12, 2024	Title IV Return: \$24,316.56	Economic damages	Damages
Nov 30, 2023	St. James: "unable to help you continue"	First transfer rejection	Count 7, standing
Apr-May 2024	McSween refuses Dean's letter	Cannot transfer to another medical school	Count 7
Jun 2024	St. Matthew's transfer rejected after transcript disclosure	Second transfer rejection	Count 7, standing
Sep 24, 2024	CTW still enforced — police warn of arrest	Nearly one year later	Count 3, Count 4

Phase 6: FERPA Discovery & Federal Filing (2025-2026)

Date	Event	Significance	Counts
Oct 19, 2025	Name-clearing hearing request — no hearing provided	Explicit request denied	Count 7
Dec 11, 2025	Federal action filed	Procedural	—
Jan 5-8, 2026	FERPA inspection: ~1,500 documents. No rescission found. TTUHSC violated 45-day deadline (~120 days).	New evidence	All counts

Key Temporal Patterns

1. **Speech Surveillance:** 3+ years (Aug 2020 → Nov 2023)
2. **Predetermination:** 7+ months (Apr 2023 → Dec 2023)
3. **Retaliation Speed:** 24 hours (Tweet → Removal → BOLO)

4. **CTW Duration:** ~1 year (Nov 4, 2023 → enforced Sep 24, 2024)

5. **Ongoing Harm:** Continuing (transcript, BOLO unrescinded, no name-clearing, Dean's letter refused, two rejections)

F-2. Discrete Acts Within Limitations Period

This action was filed December 11, 2025. The following sixteen discrete adverse acts fall within the two-year window:

#	Date	Adverse Act	Source
1	Dec 11, 2023	14-hour hearing outcome (Gibson presiding)	TAC ¶51; Plaintiff's hearing review notes
2	Dec 27, 2023	Board findings letter (unanimous dismissal)	Defs' Ex. 8
3	Dec 29, 2023	DeToledo dismissal letter	Defs' Ex. 10
4	Jan 7, 2024	Forbes broadcast email ("check his Twitter")	TAC ¶121
5	Jan 11, 2024	Appeal denial (Kruse, designated by D'Agostino)	Defs' Ex. 11
6	Jan 12, 2024	Dismissal memo to seven officials	Defs' Ex. 12
7	Feb 12, 2024	Title IV financial termination (\$24,316.56 balance assessed after \$20,118.11 scholarship cancellation and \$3,524.00 loan return; escalated to \$30,458.20 in collections by Dec 2025)	TAC ¶149
8	Apr-May 2024	McSween refuses	TAC ¶144

		Dean's letter	
9	May 2024	Continued tuition charges (expelled student billed)	TAC ¶150
10	Jun 2024	St. Matthew's transfer rejection	TAC ¶152(b)
11	Sep 24, 2024	CTW actively enforced—TTU Police Captain Hinkle: "you are still under an active criminal trespass... violations could result in your arrest"	TAC ¶127; email records
12	~Nov 4, 2024	CTW expiration (yearlong enforcement)	TAC ¶127
13	Oct 3, 2025	Transcript system notification from McSween	TAC ¶124
14	Oct 16, 2025	Transcript issued with "Non-Academic Dismissal" notation	TAC ¶124
15	Oct 19, 2025	Name-clearing hearing request denied/ignored	TAC ¶156
16	Jan 5-8, 2026	FERPA inspection reveals BOLO never rescinded	TAC ¶¶120, 154

F-3. Predetermination Timeline

Date	Event	Source
Apr 26, 2023	Trotter: "I will help collect more information" — 7 months before tweet	TAC ¶55(a)
June 26, 2023	Forbes emailed Trotter: "Just sending a few assessment ahead of our meeting tomorrow" — feeding evaluations 5 months before tweet	FERPA Doc 0887

Jul 11, 2023	Forbes was "frantic" to gather documents — 4 months before tweet	TAC ¶55(b)
Aug 4-8, 2023	Forbes personally drafted SPPCC letter. Metadata shows Forbes AND Cobbs edited. "Specific behaviors" section absent in earlier draft; singular "event" changed to plural "events."	FERPA Doc 0436→0438
Sep 7, 2023	Williams circulated "Draft for appeal decision" for SPPCC appeal — same day Plaintiff won that appeal	TAC ¶55; FERPA Doc 949
Sep 29, 2023	Wilson filed her second misconduct report in eleven days (IR00000505), recommending "suspension or dismissal" — 5 weeks before tweet	TAC ¶55(c)
Nov 4, 2023 (3:50 PM)	Forbes emailed 30+ Covenant Branch personnel: "Under further notice, please do not allow Kevin Bass into the Covenant Branch office" — same day as TAT meeting, 37 days before hearing	TAC ¶118
Nov 9, 2023	Trotter offered binary "withdraw or hearing" ultimatum	Nov 16 recording, [17:44]
Nov 3-4, 2023	Williams confirmed Cobbs was "involved in the Threat Assessment meeting on Zoom when they made the decision"	Multi-defendant coordination
Nov 10, 2023	Korinek: "I did NOT attend the meeting in which the decision was made... My Associate attended, but only listened to the proceedings. She did not give any input" — mental health professional had NO input	TAC ¶57

TAB G: DOC. 27 VS. COMPLAINT COMPARISON

G-1. Outside-the-Pleadings Material

No.	Doc. 27 Location	What Defendants Assert	What the Complaint Says	Assessment
A1	Pages 3-4	Four misconduct complaints described in detail: "expressing romantic feelings toward a resident," "sending photos of his own diarrhea and vomit," etc.	The Complaint references the complaints but does not describe their content. (FAC ¶¶ 27, 29.)	Compare FAC ¶¶ 27, 29 with Doc. 27 at 3-4.
A2	Page 7	"Plaintiff never again inquired about the application's status."	The Complaint does not allege this.	Not alleged in FAC.
A3	Page 9	"Arguably Plaintiff had three years to request disability accommodations."	The Complaint alleges constructive knowledge 7+ months before diagnosis. (FAC ¶ 25; TAC ¶¶ 39(a)-(e).)	Compare FAC ¶ 25; TAC ¶¶ 39(a)-(e).
A4	Pages 3-6	Entire "Factual Background" constructs narrative from 12 defense exhibits.	The 12(b)(6) standard tests the Complaint's allegations — not a defense counter-narrative.	Narrative sourced from defense exhibits, not FAC.

G-2. Misrepresentations of the Complaint's Content

No.	Doc. 27	What	What the	Assessment
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	Location	Defendants Assert	Complaint Actually Says	
B1	Page 16 n.5	"Plaintiff's own allegations demonstrate" speech including "crude personal communications sent directly to faculty members involving bodily fluids."	The words "bodily," "crude," "diarrhea," and "vomit" appear ZERO times in the FAC. Characterization comes from Defs' own Exhibits 2 and 8.	Words not found in FAC; source is Defs' Exs. 2 & 8.
B2	Page 9	"Plaintiff provides no evidence or claim that... anyone... had any knowledge about his alleged disability."	The Complaint alleges constructive knowledge: MRFA evaluations, Erwin assessment, Wilson recognition. (FAC ¶25; TAC ¶¶ 39(a)-(e).)	Compare FAC ¶25; TAC ¶¶39(a)-(e).
B3	Page 14	Plaintiff "does not plead the publication of a materially false statement by any specific Defendant."	The Complaint names Forbes and identifies specific publications with dates and recipients. (FAC ¶¶35A, 34.)	Compare FAC ¶¶35A, 34.
B4	Pages 15-16	Plaintiff "does not identify with any specificity what speech" triggered actions.	The Complaint quotes the November 3, 2023 tweet verbatim. (FAC ¶31A.)	Compare FAC ¶31A.
B5	Page 18	"There are no specific allegations that any of the individuals had any retaliatory animus."	The Complaint alleges Cobbs workaround, Williams "obviously protected speech" then removal, Forbes "check his Twitter," Berk 2020 surveillance.	Compare FAC ¶¶32, 33, 37.
B6	Pages 8, 12-13	Plaintiff	The Complaint	Compare TAC

		<p>"participated in the disciplinary hearing... represented by counsel... presented his position" — proof of adequate process.</p>	<p>alleges Gibson "banned contemporaneous objections," counsel's "questions [were] submitted in writing," Gibson ruled "I'm not going to allow that testimony" (neuropsychologist), excluded accommodation evidence as "outside scope," and applied "time limits and sequencing asymmetrically" — ~10 hrs adverse vs. ~30 min defense, 18 authorized witnesses to 0. (TAC ¶¶63-83, 145, 148.)</p>	<p>¶¶63-83, 145, 148.</p>
B7	Page 14	<p>Plaintiff "does not plead a separate 'plus' deprivation."</p>	<p>The Complaint pleads four independent status changes: (1) emergency removal, (2) Criminal Trespass Warning enforced ~1 year with police escort for daycare pickup, (3) BOLO disseminated to 200+ recipients including non-TTUHSC affiliates, (4) transcript notation via Parchment verifications. Bates's own email: "removed from all TTUHSC and</p>	<p>Compare TAC ¶¶120, 122, 127-128.</p>

			affiliated clinical sites under criminal trespass." (TAC ¶¶120, 127-128, 122.)	
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G-3. Internal Inconsistencies in Doc. 27 and Defendants' Exhibits

No.	Doc. 27 Location	What Defendants Assert	Contradicting Evidence	Note
C1	Throughout	Frame as "academic discipline."	Defs' own Exhibit 8 labels sanction "Non-Academic Dismissal."	See Ex. 8 caption.
C2	Pages 2-3 n.1 vs. rest	State 12(b)(6) limits consideration to Complaint.	By page 3, introduce misconduct detail from Exhibit 2; by page 16, fabricate a Complaint citation.	Compare Doc. 27 n.1 with pp. 3, 16.
C3	Pages 4-5, 12-13	Gibson presented as neutral "Hearing Officer."	Gibson was TTUHSC's paid employment lawyer (OCC contracts, \$525/hr, \$393K+). Never disclosed in Doc. 27.	OCC contract records; not disclosed.
C4	Pages 4, 12	"14-hour hearing" proves adequate process (cited 4 times).	~10+ hours administration witnesses; ~30 min for Plaintiff. Zero defense witnesses.	Compare hearing transcript time allocations.
C5	Page 10 n.4	TRO withdrawal proves no standing.	Withdrawing interim relief does not concede	See FAC ¶¶34A, 56-58.

			absence of ongoing injury. (FAC ¶¶ 34A, 56-58.)	
C6	Pages 18-19	Primary authority is <i>Esfeller v. O'Keefe</i> , 391 F. App'x 337 (5th Cir. 2010). Cited 3 times.	Unpublished per curiam with no precedential value.	Unpublished; 5th Cir. R. 47.5.4.
C7	Ex. 8 (Findings)	Board Findings label Complaint headings as "#2" and "#3."	The Grievance #5 cross-references within Ex. 8 reverse which complaint is #2 and which is #3.	See Ex. 8 internal cross-references.
C8	Pages 19-20	Count 6 addressed in Counts 6-7 section.	Defendants address only sovereign immunity — nothing about ADA retaliation merits.	Merits of 42 U.S.C. §12203 not addressed.
C9	Throughout	No mention of <i>Pickett v. TTUHSC</i> , 37 F.4th 1013 (5th Cir. 2022).	The Fifth Circuit previously warned <i>this same institution</i> about lack of diligence.	<i>Pickett</i> not cited by Defendants.
C10	Page 12	Cites "Student Handbook (2024-2025)" (Ex. 9).	Exhibit 9's own cover page reads "2023-2024 Student Handbook."	See Ex. 9 cover page.
C11	Page 2 n.2	Footnote 2 labels Ex. 1 a "Hearing Notice" dated "November 9, 2023."	Ex. 1 is captioned "Notice of Consolidation" (Nov. 9). The actual "Hearing Notice" is Ex. 2, dated November 16, 2023.	Compare Ex. 1 caption with Doc. 27 n.2.

C12	Pages 3-4	Describes grievance timeframe as "August 1 through October 27, 2023."	Defendants' own Exhibit 8 lists a grievance dated November 10, 2023 — outside the stated window.	See Ex. 8 grievance list.
C13	Pages 3-4 vs. Exs. 1, 2, 8	No consistent count of "Below Expectations" evaluations.	Three-way mismatch: Ex. 1 lists 6; Ex. 2 lists 5; Ex. 8 lists 6.	Compare Exs. 1, 2, 8 counts.
C14	Ex. 1 vs. Ex. 2	Ex. 1 identifies "Fernandez" as filing Complaint #1.	Ex. 2 identifies "Conser as Title IX Mandatory Reporter" as the filer of the same complaint.	Compare Ex. 1 with Ex. 2.
C15	Page 17	Cites "Exhibit 4, at pp. 3–17" for "unprofessional personal communications directed to faculty."	Exhibit 4 is HSC OP 77.14, a two-page disability accommodations policy. Pages 3–17 do not exist. The phrase "unprofessional personal communications directed to faculty" appears zero times in Exhibit 4, zero times in Exhibit 2 (the 18-page complaint compilation most likely intended), and zero times in every other exhibit attached to Doc. 27. The characterization was fabricated and the citation points nowhere.	See Ex. 4 (two pages); searched all Exs. 1–12.

C16	Page 5	Cites "Part II.F.4.o" for "forwarding the Report to the Dean."	The forwarding step is Part II.F.4.n. Defendants' own Exhibit 8 correctly cites "Part II.F.4.n."	Compare Doc. 27 at 5 with Ex. 8.
C17	Ex. 8 vs. Exs. 3, 6, 7	Exhibit 8 identifies the neuropsychologist as "Andrew Wierzchowski, PhD."	Exhibits 3, 6, and 7 all identify the same evaluator as "Andrea Wierzchowski, PhD."	Compare Ex. 8 with Exs. 3, 6, 7.
C18	Ex. 3 vs. Exs. 6, 7	Exhibit 3 references the neuropsych evaluation as "dated Dec. 8, 2023."	Exhibits 6 and 7 list "Dates of Evaluation: 12/06/2023."	Compare Ex. 3 with Exs. 6, 7.

TAB H: INSTITUTIONAL POLICIES

H-1. Speech Protections

TTUHSC Student Handbook (2022-2023 edition for events through summer 2023; 2023-2024 edition for November-December 2023 events). The speech protection provisions below are identical in both editions; the 2023-2024 version is Defendants' own Exhibit 9 (Doc. 27-9).

Policy Provision	Verbatim Text	Significance
Handbook Part VII.A.1	"TTUHSC recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberation by students enrolled at TTUHSC"	TTUHSC's own characterization of speech rights
Handbook Part VII.A.3	"In the event of any conflict between this Section VII(A) and any other provision of this Handbook, the provisions of this Section shall control "	Free expression trumps professionalism provisions
Handbook Part II.D.5.f	" Actions involving freedom of expression are covered in Parts VII and VIII of this Handbook and governed by O.P. 61.07"	Expression carve-out from misconduct code
TTUS Reg 07.04 §9	" Nothing in this Regulation may be construed to limit or infringe on a person's right to freedom of speech or expression protected by the First Amendment"	System-level speech protection
TTUS Reg 07.04 §4.c	Exceptions limited to "defamation, unlawful harassment, incitement to unlawful activity, obscenity, or threats to engage in unlawful activity"	Narrow exceptions — none apply to Plaintiff's tweet

H-2. Hearing Officer Neutrality

Handbook Definition 23 (Student Conduct Board):

*"All persons serving on the Student Conduct Board **must acknowledge an ability to serve objectively and shall decline to serve if there is a conflict of interest or an appearance of a conflict of interest** with either the accused or the complainant."*

HSC OP 77.13 §5.d(1) (parallel FERPA hearing policy):

Hearing officers "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."

OP 77.13 §5.d(2):

*"Advisors and/or attorneys for the Parties are **not permitted to speak or participate directly in the hearing.**"*

Handbook Part II.F.4.i:

Advisors are "not permitted to speak or to participate directly or indirectly."

H-3. Disability Accommodation

Policy	Provision	Effect
TTUS Reg 07.11 §4.a.i	Individuals with disabilities "have a right to reasonable accommodations"	System-level right — not discretionary
TTUS Reg 07.11 §4.a.ii	Student is responsible for "initiating the accommodation process in a timely manner "	Plaintiff initiated Dec 8 — the first business day after his Dec 6 neuropsych evaluation. The institution's own process (HSC OP 77.14) required weeks to complete; the hearing was 1.5 business days later.
TTUS Reg 07.11 §4.b.v	University "will make reasonable modifications to the environment, policy, or practice, and/or provide reasonable auxiliary aids or services"	Affirmative obligation
TTUS Reg 07.11 §7	"The University will maintain the confidentiality of all medical records	Defendants filed Plaintiff's unredacted neuropsychological

	concerning employees and students"	evaluation on the public docket (Doc. 27-7) — stamped "Confidential — For Professional Use Only" — without requesting sealing or redaction
HSC OP 77.14 §3.b	LOA is "the university-approved mechanism" for accommodations; file processing requires "up to two weeks"; implementation requires "1 week (5 business days)" after LOA issuance	Institution designed a process requiring 3-4 weeks minimum, then scheduled a hearing that left one partial business day (Dec 8 Friday PM to Dec 11 Monday AM). The institution controlled both the accommodation timeline and the hearing date.
HSC OP 77.14 §4	Appeals of denied accommodations go to "the Associate Provost for Student Affairs. The decision of the Associate Provost for Student Affairs is the final ruling "	D'Agostino (Provost) had authority to override SDS inaction
HSC OP 51.04	Implementing policy for Reg 07.11; directs disability complaints to SDS (806-743-1926)	Confirms SDS as designated office

H-4. Anti-Retaliation

TTUS Regulation 07.10 (Non-Discrimination and Anti-Harassment) §5.e:

*"Retaliation against a person who opposes a discriminatory practice, reports a potential violation under this regulation, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this regulation is **strictly prohibited** and will not be tolerated. Retaliation includes, but is not limited to **threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education.**"*

H-5. Academic vs. Disciplinary Classification

Source	Classification	Verbatim Text
Defs' Ex. 8	"Non-Academic Dismissal"	Board's own sanction label
Handbook Part II.G.2.g	"Non-Academic Dismissal"	"Dismissal of the student

		from their current program... The student's transcript will reflect the nature of the dismissal (Non-Academic Dismissal)"
Regents Ch. 05 §05.05	Dismissal listed separately from academics	"The board shall not serve as a hearing or appellate body for appeals of individual decisions relating to admission, academic progress, disciplinary measures, dismissal , or other such matters" — "academic progress" and "dismissal" are listed as distinct categories, not subcategories of each other
TTUS Reg 07.10 §5.c	Dismissal = policy, not academic	Regulation "does not apply to complaints related to a student's academic program or decisions rendered pursuant to an established University policy (e.g., dismissal, suspension) " — the "or" separates two exclusion categories: academic program matters on one side, policy-based dismissals on the other
Handbook Part II.F	"Disciplinary Procedures"	Entire section heading; governs the conduct hearing Plaintiff underwent
Nov 9 Consolidation Notice	Lawyer-designed hearing structure	The consolidation notice originated from General Counsel Renee Posey, was forwarded to Dr. Conser, then transmitted to Student Conduct Administrator Trotter for delivery to Plaintiff (TAC ¶64). The hearing structure—which stripped Plaintiff's separate grievance hearings, informal resolution rights, and committee selection—was

		designed by institutional counsel, not by academic administrators exercising pedagogical judgment
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A word-count analysis of the Board's own Exhibit 8: 87 disciplinary-framework references — including "misconduct" (15 times), "Code of Conduct" (26 times), "violated" (10 times), and "Non-Academic Dismissal" (3 times), plus additional terms such as "complaint," "unprofessional," "sanctions," and "disciplinary" — versus zero academic-performance references (no GPA, board examination scores, or course grades). The hearing notice cited exclusively Code of Conduct sections, not academic standards. Handbook Part II.F.1 states "these proceedings are not intended for grading and promotions issues."

H-5a. Institutional Counsel Control — Chronological Chain

Academic deference presupposes academic judgment. The following timeline demonstrates that institutional counsel—not academic administrators—controlled every decision point from appeal through dismissal.

Date	Event	Lawyer	Academic Role	TAC ¶
Feb 1, 2023	Speech concern flagged internally	Berk: "I think we should discuss with legal" (FERPA Doc 1004)	Berk and Williams identified speech as protected but routed to counsel	¶134(b)
Aug 2023	Board of Regents emergency policy changes while Plaintiff's case active	General Counsel recommended changes: added "loses legal protection," removed speech-monitoring team, added legal harassment definition	Board adopted counsel's recommendations	¶75
Aug 10, 2023	Plaintiff's	Institutional	Forbes reported;	¶138

	SPPCC appeal extension request "was punted to legal"	counsel made the decision	did not decide	
Nov 3-4, 2023	Emergency removal signed by Williams	—	Williams signed removal	¶90
Nov 9, 2023	Consolidation notice stripping separate hearings, informal resolution, and committee selection	General Counsel Posey authored the notice	Conser forwarded; Trotter delivered	¶64, ¶132
Nov 13, 2023	Plaintiff filed state court lawsuit; Cobbs directed Erwin to cease all contact	Cobbs: "all further correspondence must go through [legal]"	Erwin (professionalism coach/support person) cut off from Plaintiff by legal directive	¶205
Nov 16, 2023	Pre-hearing meeting on process structure	Posey present, made binding admissions re: causation and statutory framework	Trotter identified "someone above Student Affairs and Curriculum" as decision-maker	¶132
Nov–Dec 2023	Campus ban selectively enforced to block witness recruitment	Police officer reported denial "was made at the behest of TTUHSC's lawyers"	Daycare, pharmacy, therapist visits approved; only defense preparation blocked	¶128A
Dec 11, 2023	Trotter-Conser compromise hearing plan abandoned morning-of	Trotter promised on recording (Nov 16): "First we hear your grievances... that provides you the most protection." Conser and Trotter designed a sectioned	Academic administrators' proposed structure was not implemented	¶53

		structure. On the morning of the hearing, the format changed without notice — grievances were deferred until after ~10 hours of adverse testimony. The hearing officer (retained outside counsel Gibson) ran the proceeding under the new format		
Dec 11, 2023	Fourteen-hour consolidated hearing	Gibson (\$393K+ in contracts) presided; excluded accommodation evidence; barred neuropsychologist; banned contemporaneous objections; permitted zero defense witnesses	Board members present but Gibson controlled all procedural and evidentiary decisions	¶¶48-52, ¶147-148
Dec 11, 2023	Board deliberations	Gibson remained present during closed-session deliberations despite announcing that "all advisors [and] parties are excluded." Board of Regents policy permits only voting members and the "Resource Person" — defined as "a trained University staff member." Gibson was retained outside counsel, not a staff	The institution's paid litigation counsel shaped findings from inside deliberations while the fairness advocate was excluded. The contrast is the point: Gibson (paid adversary) inside; Trotter (procedural conscience) outside	¶53A

		<p>member, yet he functioned as Resource Person (wrote the 14-page determination letter). Gibson's own hearing-day language — "we can communicate the results" — confirms he expected to be inside the room. Trotter (Student Conduct Administrator) — the one administrator who had designed the compromise hearing structure (¶53), showed Plaintiff procedural consideration, and was most familiar with the full scope of complaints, grievances, and Plaintiff's circumstances — sought to participate in deliberations and was refused.</p>		
Dec 29, 2023	Dismissal decision	—	DeToledo (Interim Dean) signed	¶54

At eleven of twelve decision points, institutional counsel either made the decision, designed the framework, or directed the academic administrators' actions. The sole exception—Williams's emergency removal—was itself prompted by a tweet that General Counsel Posey later identified as the cause ("the outcome of the tweet... is the reason he is not allowed on

campus right now"). The pattern is continuous: from the first internal discussion of Plaintiff's speech (Feb 2023) through the final hearing (Dec 2023), every inflection point was controlled by, routed to, or decided at the direction of institutional or retained counsel. Courts defer to academic judgment because educators possess expertise courts lack. *Regents of Univ. of Michigan v. Ewing*, 474 U.S. 214, 225 (1985). Where the record shows lawyers, not educators, controlled the process, there is no academic judgment to which deference applies.

TAB J: EXHIBIT INDEX

The exhibits below are numbered for filing purposes (E-001 through E-093). Internal evidence-tracking numbers (E53–E2697) referenced elsewhere in Plaintiff's work product are cross-referenced where applicable but are not part of the Court filing.

Category 1: Predetermination / Bias (Count 3)

Exhibit	Date	Source	Content	Counts
E-001	Sep 7, 2023	Williams email	"Draft for appeal decision" for SPPCC appeal — process administrator drafted appellate decision	3, QI
E-002	Aug 22, 2023	Internal notes	Cobbs "professionalism workaround" blueprint	5, 3, QI
E-003	Dec 11, 2023	Hearing record	Structure reversed morning-of	3
E-004	Dec 8, 2023	Korinek letter	"Confirmation bias" warning	3, 4, QI

Category 2: "No Threat" Admissions (Counts 4, 5, 7)

Exhibit	Date	Source	Content	Counts
E-010	Nov 5, 2023	Recording [01:49:04]	Williams: "never sensed threat or danger"	4, 5, 7, QI
E-011	Nov 3-4, 2023	Threat Assessment	Williams: "NO" on terroristic threats	4, 5, QI
E-012	Dec 11, 2023	Hearing testimony	Fell: "Post? None. Nothing."	4, 5, 7, QI
E-013	Dec 8, 2023	Korinek letter	"not a danger to	4, 5, 7, QI

			anyone"	
E-014	—	Wilson statement	"Did not interpret it as a threat by myself"	4, 5, QI
E-015	Dec 5, 2023	Bates email	"removed... due to social media... no threat to you specifically"	4, 5, QI
E-016	Aug 2023	Forbes statement	"threat to her career, not overt physical threat"	4, 5, QI
E-017	Dec 11, 2023	Hearing testimony	Erwin: "I don't take that to be a threat from you"	4, 5, 7, QI
E-018	Nov/Dec 2023	Frantz support letter	"no intention to threaten anyone"; "remarkable maturity"	4, 5, 7

Category 3: Protected Speech Admissions (Count 5, QI)

Exhibit	Date	Source	Content	Counts
E-020	Aug 24, 2020	Berk email	"Free speech issue??"	5, QI
E-021	Feb 2023	Williams email	"obviously protected speech"	5, QI
E-022	Nov 5, 2023	Recording	"Free speech is free speech"	5, QI
E-023	Dec 11, 2023	Plaintiff's hearing review notes	"First Amendment issues"	5, QI
E-024	Sep 2, 2023	Williams email	"We have no problems with your tweets" — 63 DAYS before removal	5, QI (CRITICAL)

Category 4: Causation (Count 5)

Exhibit	Date	Source	Content	Counts
E-030	Dec 5, 2023	Bates email	"due to recent posts on social media"	5, 4
E-031	Nov 2023	Observation	Trotter had Twitter feed open	5
E-032	Sep 14, 2020	Williams	"misbehavior on social media"	5
E-033	Apr 26, 2023	Trotter email	"I will help collect more information"	5, 3

Category 5: Publication (Counts 4, 7)

Exhibit	Date	Source	Content	Counts
E-040	Nov 4, 2023	BOLO	"threatening statements"; "call 911"	4, 7
E-041	Nov 2023	FERPA	UMC poster: "contact security immediately"	4, 7
E-042	—	Forbes email	"check his Twitter"	4, 5
E-043	—	Email records	Forbes attempted recall — consciousness of wrongdoing	4, 5
E-044	Dec 11, 2023	Fell testimony	Prior case "handled between school administrators and the student... turned out in the student's favor. And no one knew." Bass case: "not handled"	4, 5

			privately" but "escalated into public domain." Same institution, opposite treatment; differentiating factor is Plaintiff's protected speech	
E-045	Through FERPA	1,500 documents	No "all clear" or rescission found	4, 7

Category 6: Hearing Asymmetry (Count 3)

Exhibit	Date	Source	Content	Counts
E-050	Dec 11, 2023	Hearing record	18 authorized admin witnesses (10 testified) vs. 0 for Plaintiff	3
E-051	Dec 11, 2023	Hearing record	~10 hours adverse vs. ~30 minutes defense	3
E-052	Dec 11, 2023	Hearing record	Neuropsychologist excluded	1-2, 3
E-053	Jul 21, 2023	Forbes email	"No specifics will be given"	3
E-054	Nov 5, 2023	Recording	Plaintiff to Williams: "not seemed very transparent to me" (undisputed)	3
E-055	Nov 5, 2023	Recording [01:10:29]	Williams: "That's just not the way the process works"	3

Category 7: Disability / Accommodation (Counts 1-2, 6)

Exhibit	Date	Source	Content	Counts
E-060	Dec 11, 2023	SDS records	No accommodation	1, 2

			determination	
E-061	Dec 8, 2023	Counsel email	Written notice with diagnoses	1, 2, 6
E-062	Dec 11, 2023	Hearing record	Gibson denied substantive accommodations; offered only water/snacks/breaks	1, 2
E-063	Dec 11, 2023	Hearing testimony	Erwin: "probably on the spectrum of autism"	1, 2
E-064	Dec 11, 2023	Hearing testimony	Erwin: "His biggest emotion is fear"	1, 2

Category 8: Mt. Healthy Defeat (Count 5)

Exhibit	Date	Source	Content	Counts
E-070	Nov 5, 2023	Recording	Williams: "pretty extreme"	5
E-071	Nov 5, 2023	Recording	Williams: "only once before"	5
E-072	Nov 5, 2023	Recording	Williams: "complaints... burgeoning sense of people feeling threatened"	5

Category 9: Fabricated/False Allegations (Counts 3, 4, 5)

Exhibit	Date	Source	Content	Counts
E-080	Jun-Jul 2023	Internal records	Zavala denied sexual misconduct allegation occurred; speculated "someone who wanted to hurt me might have fabricated it";	3, 4, 5

			Forbes confirmed denial; yet allegation still used in professionalism proceedings (FERPA Doc 0835). Zavala's own formal evaluation 16 days later rated Plaintiff "meets expectations" (FERPA Doc 0542) — official record contradicts informal file	
E-081	Post-Nov 3, 2023	Official records	"FAIL for his Pediatric clerkship despite the numerical calculation resulting in a Pass " — grade override occurred between tweet and hearing, manufacturing adverse academic record after speech event (TAC ¶¶172(c), 188(A)(6))	3, 5

Category 10: Ongoing Harm / Standing (Counts 2, 7)

Exhibit	Date	Source	Content	Counts
E-090	Nov 30, 2023	St. James	"unable to help you continue" —	7, 2

			first transfer rejection	
E-091	Jun 2024	St. Matthew's	Transfer rejected after transcript disclosure	7, 2
E-092	—	TTUHSC	"we will not provide a Dean's letter" — blocks residency applications	7, 2
E-093	—	FERPA records	Documents after ~120 days, violating 45-day deadline	7

Scope of ongoing harm (TAC ¶¶177A, 211): The "Non-Academic Dismissal" transcript notation, unrescinded BOLO, and third-party publication to UMC and clinical affiliates create compounding, ongoing harm beyond the two transfer rejections listed above:

- **Medical career foreclosed:** Without a Dean's letter, Plaintiff cannot apply to residency programs, obtain board certification, or practice medicine — the career he trained for over a decade.
- **Public health career impaired:** Plaintiff is building a public health startup requiring institutional collaborations and venture capital funding. The BOLO's dissemination beyond TTUHSC to affiliated institutions, and the stigmatizing "Non-Academic Dismissal" label, directly undermine his professional credibility with the institutions and investors he must engage.
- **Stigma is public and unretrievable:** Defendants filed Plaintiff's unredacted neuropsychological evaluation on the public docket (Doc. 27-7). The BOLO was disseminated to UMC with instructions to "contact security immediately" — for a student no agency ever charged with any offense. These materials are indexed by legal databases

and search engines. Every background check, every internet search of Plaintiff's name, surfaces these records. Every day they remain public, the harm compounds.

Summary Statistics

- **Total Exhibits:** 48 (non-sequentially numbered E-001 through E-093; gaps are intentional)
- **By Count:** Count 1 (8), Count 2 (8), Count 3 (15), Count 4 (18), Count 5 (24), Count 6 (4), Count 7 (12), QI Defeat (17)
- **By Type:** Predetermination (4), No-Threat Admissions (9), Speech Admissions (5), Causation (4), Publication (6), Process Defects (6), Disability (5), Mt. Healthy Defeat (3), Fabrication (2), Ongoing Harm (4)

Exhibit Compilation Note

The exhibits listed above (E-001 through E-093) will be compiled as separately tabbed PDF pages with sequential Appendix page numbering. Each exhibit will be preceded by a cover sheet identifying the exhibit number, date, source, and the paragraph(s) of the Complaint or Brief that reference it. Exhibits to be filed include FERPA-inspected records, email communications, hearing materials, institutional policies, recordings, hearing review notes, and publicly available documents.

TAB K: ADDITIONAL FACTUAL RECORD

The following factual content supplements the documentary evidence in Tabs A-J. Each sub-tab contains dated facts, verbatim quotes, and source references — no legal argument.

K-1. Chilling Effect

Four documented instances of self-censorship before the November 3, 2023 tweet:

Date	Event	Source
June 14, 2023 (5 months before tweet)	Plaintiff preemptively locked his social media accounts and told the institution: " I locked my social media accounts if that is any concern. I am very serious about succeeding in medical school. " Nunez replied: " this meeting has nothing to do with your social media " — while CC'ing Williams and Forbes, who both knew otherwise (Williams had written "obviously protected speech" four months earlier).	Email chain
Aug-Oct 2023	Erwin's coaching notes document the institution explicitly demanding Plaintiff cease social media. Plaintiff recognized it as " a coercive request. "	FERPA review p. 24
Mid-September 2023	Plaintiff told Defendant Wilson on a recorded call: " I'm gonna be quiet. A lot more quiet than I've been... I feel antisocial and I hate it. " He added: "I just literally can't afford to get into any more situations."	Mid-Sept 2023 recording
October 19, 2023 (15 days before tweet)	Plaintiff emailed Erwin: " And you mention how people are reading my	Email to Erwin

	<p>tweets to establish whether I meet LCME standards which means they are being saved as potential ammunition at some point." He asked: "Do you know what tweets in particular Williams was referring to?"</p>	
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K-2. General Counsel Admissions

Two binding institutional admissions by TTUHSC General Counsel Posey:

Date	Statement	Source
November 16, 2023	"The outcome of the tweet and the perceived threat of that tweet is the reason he is not allowed on campus right now."	Recorded meeting (TAC ¶113)
November 16, 2023	Removal was "although prompted by the Social Media post" and was "NOT accomplished under Chapter 51" — meaning the institution bypassed its own statutory authority for addressing speech-based threats.	Hogan letter to D'Agostino (TAC ¶108)

K-3. Criminal Trespass Warning

The CTW was imposed on or about November 4, 2023, and enforced for approximately twelve months:

Date	Event	Source
Nov 4, 2023	CTW imposed — zero pre-deprivation notice, zero hearing, zero opportunity to respond	—
Nov 4, 2023 – Nov 2024	Twelve months of enforcement — Plaintiff	—

	excluded from all campus facilities	
Sep 24, 2024	TTU Police Captain Hinkle warned: "you are still under an active criminal trespass... violations could result in your arrest"	TAC ¶127; email records
During CTW	When Plaintiff went to pick up his three-year-old from the campus daycare, he was given a police escort to retrieve the child	TAC ¶127
No post-deprivation process	No mechanism was provided to challenge or appeal the CTW after it was imposed	—

Williams's own Threat Assessment contemporaneously found no actual threat (Q5: "No" on terroristic threats). TTUHSC's own Threat Assessment Protocol, absent "Physical or Other Credible Evidence," directs: "No Security Hold or Criminal Trespass is Issued." Williams's Q10 answer cited only "comments of assessors," "complaints about behavior," and "the post on X" — none constituting physical or other credible evidence as the protocol defines it.

K-4. Fernandes Complaint Detail

Complainant's Own Initiating Behavior: The complainant repeatedly told Plaintiff throughout the two-week psychiatry rotation that he could **"say anything I want"** to her because **"she was not evaluating us,"** and initiated personal communications witnessed by another medical student. The complainant's formal report omitted this context, presenting the interaction as entirely one-sided.

Administrative Origination: The complainant did not file the formal report herself. Conser filed it as a "Title IX Mandatory Reporter" on August 1, 2023. Defendants' own exhibits cannot agree on the filer (Exhibit 1: "Fernandez"; Exhibit 2: "Conser as Title IX Mandatory Reporter").

The investigation report confirms the complaint was filed "under advisement of SOM student affairs."

Clerkship Director's Assessment: The psychiatry clerkship director, Dr. Amor Wail, told Plaintiff that the complainant should have addressed any concerns directly before escalating to a formal complaint.

Counter-Grievance Context: Before filing the counter-grievance that investigator Bates later characterized as "retaliation" under TTUS Reg. 07.06, Plaintiff consulted five institutional contacts — Conser, Trotter, Perrin, Erwin, and Title IX Coordinator Collins. None warned it could be considered retaliation. Trotter, Conser, and Perrin processed the grievance without objection. (Nov. 30, 2023 hearing request rationale.)

K-5. Wilson Escalation Pipeline

Two separate recordings capture Wilson describing the escalation process:

Recording 1 (mid-September 2023): Wilson was non-committal about whether any matter could remain informal: **"It is gonna get triaged potentially already a formal part. I don't know."**

Recording 2 (October 13, 2023): Wilson confirmed that every complaint was automatically escalated: **"anytime there is a patient satisfaction complaint against the student, it's immediately forwarded above my level, always to the conduct committee."**

In fact, none of Plaintiff's complaints were ever triaged to the conduct committee. They were routed through the SPPCC and administrative processes that Wilson and Cobbs controlled. Every interaction became a formal report; every report fed the "pattern" that was used to justify escalation — but through channels the complainants administered, not through the independent

conduct committee Wilson described.

K-6. Suppressed Evidence

Item	Detail	Source
Family Medicine performance report	Trotter specifically requested a performance report from Family Medicine regarding Plaintiff. The report was favorable — Plaintiff was performing well. This report was never presented at hearing.	Pre-hearing records
Inpatient clerkship evaluations	When a colleague sought Plaintiff's inpatient clerkship evaluations, the response was: " Just spoke with Dr. Cobbs and unfortunately can't provide the other clerkship evaluations from inpatient. " (FERPA Doc 1236.) Cobbs blocked access to evaluations that may have been favorable to Plaintiff while permitting only adverse evaluations to reach the hearing record.	FERPA Doc 1236

K-7. Consciousness of Wrongdoing

Date	Event	Source
Dec 5, 2023	Bates included " do not forward " instruction in his email acknowledging Plaintiff was "removed... due to his social media" with "no threat to you specifically" — demonstrating consciousness that the dangerousness characterization should not be further disseminated	FERPA Doc 1143; TAC ¶120
Jan 7, 2024	Forbes attempted to recall	TAC ¶121

	<p>her broadcast email ("one student lighter... check his Twitter"). The same email announced Wilson's promotion to Assistant Vice Dean — linking Wilson's career advancement to the outcome she helped produce (TAC ¶121). Forbes's recall attempt is consciousness of wrongdoing; the promotion juxtaposition reveals the reward structure</p>	
<p>Nov 7, 2023</p>	<p>Forbes forwarded a frightened student's email to Williams and DeToledo instead of correcting the record: "I want to express what we have been dealing with but felt the platform with the students wasn't fair to bring up my thoughts." Forbes had thoughts she deliberately kept from students she had made afraid.</p>	<p>FERPA records p. 53</p>
<p>Within 5 days of Dec 27, 2023 Board determination</p>	<p>Before the Board's determination had been made public by anyone, an external individual who had posted 600+ harassing tweets about Plaintiff announced on Discord: "we did it, Kevin Bass' medical committee voted to expel him." This individual had a documented pattern of posting leaks and insider information about Plaintiff. The use of "we" demonstrates she considered herself a participant; the distinctive phrasing "medical committee voted" mirrors internal TTUHSC language — not any publicly available description of the process.</p>	<p>Public Discord post</p>

K-8. Voluntary Restrictions Rejected

Plaintiff offered voluntary restrictions four times over three months. Defendants ignored or rejected each one. (TAC ¶114.)

Date	Offer	Defendant Response
Sep 19, 2023 (6 weeks pre-tweet)	Leave of absence (FERPA Doc 221)	Ignored
Nov 7, 2023 (3 days post-removal)	Written appeal: "I can extend my commitment to professionalism to social media... I will ensure misinterpretations are impossible"; "open to meeting or talking with anyone who has a problem with me"	Ignored; proceeded to hearing
Nov 21, 2023 (20 days pre-hearing)	Recorded meeting with Cobbs and Trotter: "I want to be a doctor by any means"; "I know social media has played a role in this"; "I'm certainly willing to work on my part"; "I would give up a lot, a huge amount, just so that I could be a doctor." Cobbs: "searching for pathways to move yourself forward." Trotter: "Your words are not falling on deaf ears."	Proceeded to hearing without engaging
Jan 4, 2024 (6 days post-decision)	Written appeal to Vice Provost Kruse: transfer to Amarillo/Odessa campus, leave of absence, ASD-specialist mental health support, implementation of neuropsychological evaluation accommodations	Rejected Jan 11, 2024 without explanation

If Defendants' concern was genuinely campus safety, Plaintiff's repeated, voluntary surrender of speech rights and physical separation would have fully addressed it. The failure to

engage with any less restrictive alternative demonstrates that Defendants' objective was not safety but punishment of the speaker.

K-9. Complaint-by-Complaint Summary

Four consolidated complaints and key admissions per complaint:

Complaint 1 (Fernandes — boundary complaint): One-sided investigation. The complainant repeatedly told Plaintiff he could "say anything" to her, initiated personal communications including asking whether Plaintiff was married (witnessed by another student) and sending heart emojis, and filed a formal complaint that omitted all of this context. The complainant did not file the report herself — Conser filed it as a "mandatory reporter." See K-4.

Complaint 2 (illness photos): Wilson testified at the hearing that "**the absence itself is no concern at all**" and acknowledged she understood Plaintiff's reasoning, yet sought "suspension or dismissal" eleven days later at Forbes's direction (TAC ¶141). Wilson had "**never penalized the students ever**" for similar absences.

Complaint 3 (patient relationship): Wilson acknowledged in a recorded midpoints evaluation that the ethical lines were "**blurred**," told Plaintiff he was "**okay**" since he had already consulted Trotter, and confirmed Plaintiff immediately complied — then filed a misconduct report eight days later that omitted every piece of favorable context and characterized the identical conduct as "a breach in the TTUHSC SOM ethical policy."

Complaint 4 (tweet): A philosophical post about mortality that named no person, identified no institution, and contained no threat. Defendants' own Exhibit 7 concluded the author was "not indicative of... violence." Williams checked "No" on terroristic threats. See Tabs A-1, B.

The Board's own Findings letter confirms it found the testimony of Dr. Erwin and Dr.

Wilson "**particularly relevant**" — the same two officials whose recordings and notes contradict their hearing testimony and who were principal complaint-generators in the underlying process.

K-10. Erwin Two-Faced Coaching

Dr. Erwin's private coaching notes and her contemporaneous communications with Plaintiff:

Date	Private Notes (FERPA Records)	Contemporaneous Messages to Plaintiff
Aug-Oct 2023	"probably on the spectrum of autism" — made no specialist referral	(assessment withheld from Plaintiff)
Aug-Oct 2023	FERPA Doc 0083: "intellectual narcissism," "paranoia"	—
Aug-Oct 2023	FERPA Doc 0083: "K has an extremely high need to feel significant"; "K is unable to differentiate attention from online followers and real life relationships"	—
Aug-Oct 2023	FERPA Doc 0083: "Stop and think about what you really want. You love the attention from social media but recognize that a lot of people in your real life have stopped talking with you."	—
Aug-Oct 2023	FERPA Doc 0124: "He seems to be taking his First Amendment rights to make an idiot of himself"	—
Aug-Oct 2023	FERPA Doc 0124: "KB has imbibed the cultural atmosphere of conspiracy theories"	—
Sept 7, 2023	(private characterizations ongoing)	"You were lovely"
Oct 4, 2023	"I have come to believe the incident with the first	—

	clerkship, the incident of intimidating Rachel Forbes and the incident of sexually harassing all stem from his resentment"	
Oct 17, 2023	(private characterizations ongoing)	"I just want you to feel supported"
Oct 29, 2023	(private characterizations ongoing)	"I will not abandon you. You have work to do my friend, and it is the work of healing. Your friend, Dr. Erwin"
Nov 29, 2023	"I consider a legal action against my employer a direct disregard of and abandonment of our friendship"	—
Dec 11, 2023	FERPA Doc 0132 (last saved day of hearing): "Goal: overarching goal is to find a path for K to stay in med school. Outcome: moderating his behavior, especially his communications with others. "	—
Aug-Oct 2023	"It is my impression that these issues are more pressing and that coaching may be utterly ineffective if the mental health issues are not resolved. " — professionalism coach's own assessment that the punitive approach was futile without clinical intervention; no referral made	(assessment withheld from SDS)

K-11. Threat Assessment Protocol Violation

TTUHSC's Student Threat Assessment Protocol contains a mandatory decision tree:

Protocol Decision Point: "Is There any Physical or Other Credible Evidence (e.g., Injuries, Witness Statements, Video Surveillance)?"

If Answer Is...	Protocol's Mandatory Outcome
Yes	After conferring with OGC, Chief of Police requests security hold and considers criminal trespass
No	"No Security Hold or Criminal Trespass is Issued"

In Plaintiff's Case:

Evidence Category	Present?	Detail
Injuries	No	No injuries alleged or documented
Witness Statements (identifying specific threatened person)	No	No witness identified a specific person threatened by Plaintiff
Video Surveillance	No	No video surveillance captured threatening behavior
Q5 — Terroristic Threats	"No" (Williams's own answer)	Williams checked "No" on his own Questionnaire

Outcome: Protocol's mandatory pathway required **no security hold and no criminal trespass**.

TTUHSC imposed **both** — a security hold and a Criminal Trespass Warning enforced for twelve months.

Williams's Q10 (Credible Evidence): Williams cited only "comments of assessors," "complaints about behavior," and "the post on X" — none constituting the "Physical or Other Credible Evidence" the Protocol requires. The Protocol's own categories (Injuries, Witness Statements, Video Surveillance) do not include subjective opinions or social media posts.

K-12. The Six "Substandard Evaluations"

The Board found "by unanimous vote" that six below-expectations evaluations

"constituted a further basis of action." Doc. 27 at 5. The record for each follows.

1. Dr. Diana Vo (Psychiatry — Aug. 1, 2023). Derivative of Complaint 1 (Fernandes). The sole professionalism notation—"needs to understand professional boundaries"—traces entirely to the disputed Fernandes situation. Three other psychiatry evaluators described Plaintiff as "exceptionally well" performing, having an "excellent work ethic," and being "an excellent member to the team." The clinical evaluation score for the psychiatry clerkship was approximately 95% (SPPCC appeal statement).

2. Dr. Danielle Walker (Pediatrics — Sept. 18, 2023). Filed the *same day* as Wilson's illness-photos misconduct report—September 18, 2023. Walker's most serious allegation—that Plaintiff was found unaccompanied with a baby in a bassinet—was not Walker's personal observation; Walker testified it was "brought up by the nursing staff." Walker testified under oath: "No, sir, not at all... absolutely no outside influence."

3. Dr. Ngozi Eboh (Pediatrics — during rotation). Eboh characterized Plaintiff as "spaced out," "uninterested," "took personal calls," and "argumentative and rude in front of patients." Critical context omitted from the evaluation: Eboh herself told Plaintiff he could focus on the patient he was most interested in—a sexually abused adolescent with psychiatric needs matching Plaintiff's career interest in child psychiatry—and Eboh congratulated Plaintiff for eliciting the patient's trauma history. The "absences" and "time management" complaints trace directly to time spent with that patient, with Eboh's own permission. On September 21, Eboh discussed Plaintiff's evaluations with Defendant Wilson (sick-email grievance, pp. 5-6)—establishing inter-evaluator communication with the administrator coordinating adverse actions against Plaintiff. This evaluation was produced during a period of simultaneous investigation by multiple administrators, with documented inter-evaluator coordination—yet no accommodation or

supportive intervention was offered despite Erwin having assessed Plaintiff as "probably on the spectrum of autism" and Wilson having described the conduct as "a personality thing." (TAC ¶96.)

4. Dr. Bethany Nunez (Pediatrics — late Sept. 2023). Nunez's evaluation cited Plaintiff for "not follow[ing] instructions" by contacting CPS regarding a sexually abused minor. In fact, Aundra Conyer—the hospital therapist and sexual abuse expert—directed Plaintiff to file the CPS report and told him he had a legal obligation to do so. Nunez told Plaintiff he "didn't need to"; Plaintiff followed Conyer's expert direction. The evaluation recharacterized compliance with a mandatory reporter obligation as insubordination. The investigation was conducted by Haynes—a urologist, not Pediatrics faculty—and approved by Kunkov, the Pediatrics department chair (the department reviewing itself). Plaintiff was never interviewed. Nunez later stated the evaluation had "nothing to do with social media"—a notable unprompted denial.

5. Dr. Suzanne Jensen (Pediatrics — Oct. 27, 2023). Jensen was a PGY-2 *resident on a different team*. She never observed Plaintiff present, interview patients, or perform H&Ps—yet evaluated all of these. Twenty-five specific claims in Plaintiff's grievance were either unsubstantiated or based on secondhand information. Jensen's evaluation describes the same CPS incident Nunez reported—characterizing Plaintiff's compliance with Conyer's expert direction as "not follow[ing] instructions from the attending"—despite Jensen being on a different team and having no firsthand involvement, confirming cascade contamination between evaluators. During this rotation, the institution was pulling Plaintiff into disciplinary meetings, physically removing him from clinical duties, then citing the resulting absences as professional deficiency.

Investigation suppression: When investigator J. Edward Bates requested the pediatrics clerkship evaluations relevant to the Jensen grievance, Cobbs and Conser refused to provide

them (Doc. No. 1186: "Both Cobbs and Conser shutdown Bates on pulling the other evals"). Bates sought to interview Plaintiff (Doc. No. 1140: "wanted to set up time with student"); after communications with Cobbs and Conser, no interview occurred. Bates also investigated the Fernandes grievance (#1)—and never contacted Plaintiff for either investigation. (TAC ¶103.)

6. Dr. Aaron Thomas (Family Medicine — completed after Nov. 4, 2023). Thomas characterized Plaintiff as falling asleep during the rotation. No faculty member or resident raised this as a concern at the time; the characterization appeared only in the post-BOLO evaluation, not in any contemporaneous feedback. Thomas was a member of a Christian study group with TTUHSC official Conser—the administrator who served as a conduit routing complaints to decision-makers (TAC ¶102, ¶105). Plaintiff was a member of the same group until the BOLO was disseminated, at which point he was removed from the group's Snapchat—excluded from a peer religious community as a direct consequence of the BOLO's stigmatizing characterization. Thomas then submitted an adverse evaluation of a student he had just helped ostracize. (TAC ¶74.) Separately, Trotter had requested a favorable Family Medicine performance report—Plaintiff was performing well—which was never presented at the December 11 hearing. (TAC ¶73.)

7. The SPPCC Warning (August 8, 2023). The SPPCC process is itself a product of the retaliatory chain: a seven-person "coordination group" was activated the same day (TAC ¶70); Forbes personally drafted the adverse letter used against Plaintiff, with at least five people reviewing it before submission (TAC ¶69); Plaintiff's appeal was upheld for "lack of specificity," and within eleven days two new evaluations appeared containing unprecedented specificity — filling precisely the gap the appeal had exposed (TAC ¶68). Erwin's coaching notes from this period pathologize constitutionally protected commentary as personality defects (FERPA Doc

0083), and Erwin herself documented that coaching was "utterly ineffective if the mental health issues are not resolved" — yet made no specialist referral and no SDS contact (see Tab A-3, Tab K-10).

K-13. The Seven Grievances

The Board found six of Plaintiff's seven grievances "unsubstantiated" and cited this as a basis for dismissal. Doc. 27 at 5. The seventh was substantiated. The factual record for each follows.

#	Against	Investigated By	Plaintiff Interviewed?	Outcome
1	Faculty (Fernandes)	Bates	No	Unsubstantiated; Bates characterized Plaintiff's counter-grievance as "retaliation" under TTUS Reg 07.06 (Nov. 7, 2023)
2	Faculty (Walker)	Tenner (Pediatrics)	No	Unsubstantiated; approved by Kunkov (Pediatrics chair)
3	Faculty (Nunez)	Haynes (Pediatrics)	No	Unsubstantiated; approved by Kunkov (Pediatrics chair)
4	Faculty (Forbes)	Williams	No	Unsubstantiated; Williams then participated in hearing relying on Forbes's original allegations
5	Faculty (Eboh)	Bates	No	Unsubstantiated
6	Faculty (Jensen)	Bates	No	Unsubstantiated

7	Staff (Kim Johnson, Assoc. Dir., Student Affairs)	Cobbs	No	Substantiated under SOM OP 40.05; formal apology issued Oct 31, 2023 — four days before emergency removal
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In each investigation, the respondent was interviewed along with multiple additional witnesses: the Forbes investigation involved five interviewees; Fernandes four; Jensen four. Plaintiff — who filed each grievance — was never interviewed for any of the seven.

The institution was on notice of investigator conflicts. When Plaintiff objected to Nunez as the Forbes investigator — because Nunez was a listed witness on the underlying report — the designee acknowledged: "I do also see that he is listed as a witness on your report, which I recognize creates what you were describing here." The institution proceeded with every structurally conflicted assignment regardless.

TTUHSC's Interim Suspension Questionnaire (Question 8) characterizes Plaintiff's grievance-filing as the "retaliatory harm": "Dr. Bass has filed numerous grievances against members of the TTUHSC faculty and staff in response to their assessments of his professional behavior and against members of the staff who reported his behavior. Those involved in the processes were among those expressing a high degree of concern."

Four-Administrator Authorization Before Q8 Charge. Before filing the Fernandes counter-grievance that Q8 classified as "retaliatory harm," Plaintiff consulted **four different administrators** — Conser, Trotter, Perrin, and Erwin — as well as Title IX Coordinator Collins. **All four confirmed it was within his rights.** None warned it could be considered retaliation. Trotter, Conser, and Perrin processed the grievance without objection. (TAC ¶58.) The institution then charged the very act it had authorized as retaliatory conduct — a textbook

institutional trap.

K-14. Disability-to-Dismissal Pipeline

1. Defendants' own personnel identified traits they associated with disability throughout 2023
 - Erwin: "probably on the spectrum of autism" (Aug-Oct 2023); Wilson: "a personality thing," "not doing things on purpose" (Oct 13, 2023 recording). These assessments are documented in Defendants' own FERPA records.
- 1a. The professionalism score pattern undermines Defendants' "incapable of remediating" finding in two ways. First, scores more than doubled between OB-GYN (75%) and Psychiatry (~95%), with rapport scores more than doubling—consistent with ASD adaptation rather than character deficiency. Second, within Pediatrics itself, adverse evaluations clustered exclusively in settings where Wilson had direct control or connections (Walker on inpatient; Eboh, who discussed Plaintiff with Wilson before filing; Jensen, a PGY-2 resident on a different team who described the same incident Nunez reported). On outpatient—outside Wilson's sphere—Dr. Autum DeSoto wrote a letter of recommendation stating Plaintiff "maintained humility and showed a great desire to learn," identified a hidden psychiatric crisis in a teenager during a routine ADHD follow-up, and "has a true heart for people and connecting to those in need and I know that he will be a great physician in his chosen field." The patient's parents "expressed extreme gratitude for Kevin and said what a great doctor he was going to be"; the patient "asked when Kevin was coming back and if he could please be their doctor once he was finished with his training." DeSoto spent approximately three times more contact hours with Plaintiff than any other Pediatrics evaluator. No evaluations were collected from Emergency Medicine or overnight outpatient rotations, despite evaluation forms being

sent — the record presented at hearing contained only evaluations from Wilson's sphere of influence. The pattern is not uniform poor performance; it tracks Wilson's administrative reach. (TAC ¶¶96, 201; see K-12.)

2. No Defendant initiated accommodation, specialist referral, or interactive process at any point — despite Erwin's own contemporaneous conclusion that coaching was "utterly ineffective if the mental health issues are not resolved" (FERPA Doc 0124).
3. The institution generated complaints and evaluations through processes with documented defects at every level — evaluator coordination with Wilson, department self-investigation, cascade contamination between evaluators, and zero interviews of Plaintiff across seven grievance investigations. (See K-12, K-13.)
4. Those complaints and evaluations were consolidated into a single hearing (Dec 11, 2023).
5. The one evaluation that would have provided clinical context — Wierzchowski's neuropsychological assessment (Dec 6, 2023; TTUHSC-0000068) — was suppressed. Gibson redacted the accommodation recommendations as "outside scope" and excluded the neuropsychologist from testifying.
6. A passing grade was overridden to impose a Fail: Official records reflect that Plaintiff "will receive a grade of Fail for his Pediatric clerkship **despite the numerical calculation resulting in a Pass.**" When Defendants override a passing numerical grade to impose a failing one, the resulting "academic" record cannot serve as an independent basis for dismissal — it is itself evidence of predetermined outcome regardless of actual performance. This grade override occurred **between the tweet and the hearing** (TAC ¶¶172(c), 188(A)(6)), manufacturing an adverse academic record after the speech event to strengthen the case for dismissal.

7. The Board found Plaintiff "incapable of remediating his behavior" (Defs' Ex. 8) — relying on the testimony of Erwin ("probably on the spectrum of autism") and Wilson ("not malicious," "a personality thing"), the same officials who identified traits they associated with disability for months without initiating accommodation.
8. SDS issued no accommodation determination before the hearing, despite Plaintiff's December 8 initiation — one partial business day before the hearing the institution itself scheduled.
9. Defendants now cite the resulting "professionalism" record as independent grounds for dismissal — a record generated through the defective processes documented above, without the clinical context they suppressed, and without the accommodations they never provided.

K-15. Plaintiff's Contemporaneous Appeal (January 4, 2024)

Six days after receiving the DeToledo decision, Plaintiff submitted a detailed written appeal to the Provost documenting procedural violations while events were fresh. The appeal addresses the following categories of due process deficiency, each of which is independently alleged in the TAC and supported elsewhere in this Appendix:

1. **Hearing time asymmetry:** Each TTUHSC witness received up to 60 minutes of testimony time (some exceeding this limit), while Plaintiff received approximately 30 minutes for his own testimony. The Board and TTUHSC collectively spent approximately 80 minutes questioning Wilson alone — against a stated 30-minute-per-witness limit — while Gibson told Plaintiff "you have 20 more minutes" for all remaining questioning. Total adverse testimony: approximately 10 hours over roughly 14 hours. (See Tab D-3.)
2. **Physical, psychosocial, and cognitive impossibility of counter-testimony:** After 10

hours of one-sided adverse testimony, Plaintiff's opportunity to present grievances was rendered meaningless by exhaustion, cognitive overload, and the overwhelming negative impression already formed.

3. **Hearing structure changed without notice:** Plaintiff was told by Trotter and Conser that complaints and grievances would be addressed one after the other. On the day of the hearing, Plaintiff learned the structure had been changed — all grievances were heard only after all complaints against him — without prior notice. TTUHSC knew the actual structure in advance.
4. **Selective enforcement of rules:** Gibson selectively enforced time limits, document submission deadlines, and evidentiary rules — restricting Plaintiff while allowing TTUHSC latitude on the same rules. Gibson's own Rules of Decorum required exceptions be "applied equally to both parties."
5. **Witness blocking:** TTUHSC's legal team forbade Trotter and Wierzchowski from testifying on Plaintiff's behalf. The campus ban was selectively enforced to prevent Plaintiff from meeting prospective witnesses in person, while permitting campus visits for all other purposes. Korinek declined to testify after reviewing the case documents and concluding the process was unfair.
6. **Denial of attorney representation:** Plaintiff's request for attorney participation was denied despite Wierzchowski's assessment that Plaintiff's neurodevelopmental deficits required "appropriate representation" and that he "should not be permitted to represent himself."
7. **Remediation failure:** Neither the administration nor Erwin provided the feedback or ASD-specific intervention required for meaningful remediation. Erwin suspected ASD

from her first session but never acted on this assessment, never referred Plaintiff for evaluation, and used assessment instruments (MBTI, Enneagram) widely regarded as psychometrically invalid.

This document demonstrates that Plaintiff raised every procedural objection now alleged in the TAC within days of the decision — not retrospectively for litigation purposes. It is available for production upon request or at discovery.

Source: Plaintiff's Appeal to Provost D'Agostino, January 4, 2024 (16,067 words).

K-16. Debt Collection Escalation Following Protected Activity

The financial harm from Plaintiff's dismissal is ongoing and retaliatory in timing. (TAC ¶¶149-150, 149C.)

Date	Event	Significance
Feb 12, 2024	TTUHSC canceled Plaintiff's \$20,118.11 scholarship and assessed \$24,316.56 balance	Initial financial harm from dismissal
May 2024	Plaintiff disputed the balance in writing	Dispute filed; TTUHSC did not respond
May 2024 – Oct 2025	Balance dormant for 15 months	No collection activity during dormancy
Oct 2025	Plaintiff filed TPIA requests and formal requests for disability accommodations and name-clearing hearing	Protected activity under ADA/§ 504
Dec 10, 2025	TTUHSC issued "Final Account Statement": \$30,458.20 (\$24,366.56 principal + \$6,091.64 unexplained fees, ~25% increase); referred to Williams & Fudge, Inc. collection agency	Escalation within weeks of protected activity
Dec 15-18, 2025	Plaintiff filed timely written disputes requesting itemized ledger, basis for liability,	Formal dispute of escalated amount

	documentation for fees, and scholarship reversal entries	
Dec 19, 2025	TTUHSC deflected entire dispute to collection agency without addressing any substantive question	Institutional refusal to engage

The temporal proximity—15 months dormant, then escalated within weeks of protected activity—supports an inference of retaliatory motive. *Burlington Northern*, 548 U.S. at 68.

K-17. Zavala Fabricated Allegation

On June 21, 2023, Defendants Williams and Nunez presented a sexual misconduct allegation against Plaintiff. On July 20, 2023, Forbes identified the source — Dr. Noelle Zavala (OB/GYN Clerkship Director). Zavala then called Plaintiff directly and **denied the event occurred**, speculating that "someone who wanted to hurt me might have fabricated it." Forbes confirmed the denial. (TAC ¶172(d).)

Yet this fabricated allegation was **still used in professionalism proceedings** against Plaintiff (FERPA Doc 0835). When Defendants knowingly incorporate a fabricated sexual misconduct allegation into disciplinary proceedings after the source denies it happened, they cannot claim their characterizations of Plaintiff were made in good faith.

Moreover, Zavala's own formal evaluation of Plaintiff — completed on **June 24, 2023**, just **sixteen days** after her negative email to Forbes — rated Plaintiff's behavior as "**meets expectations**." (FERPA Doc 0542.) The formal evaluation and the informal email to Forbes tell opposite stories: the evaluation was the official record; the email was for the file.

K-18. Grade Manipulation as Predetermination Evidence

Official records reflect that Plaintiff "will receive a grade of **Fail** for his Pediatric clerkship **despite the numerical calculation resulting in a Pass**." (TAC ¶172(c).)

This grade override occurred between the November 3, 2023 tweet and the December 11, 2023 hearing — Defendants manufactured an adverse academic record after the speech event to strengthen the case for dismissal (TAC ¶188(A)(6)). When Defendants override a passing numerical grade to impose a failing one, the resulting "academic" record cannot serve as an independent basis for dismissal — it is itself evidence of predetermined outcome regardless of actual performance.

The grade manipulation also undermines the academic-deference defense: if the numerical calculation yielded a Pass, the override was not an exercise of academic judgment but an administrative decision to manufacture a failing record.

K-19. Campus Ban Selective Enforcement — Witness Blocking

During the suspension period, TTUHSC **universally permitted** Plaintiff to visit campus for every purpose except defense preparation. (TAC ¶128A.)

Purpose	Permitted?	Frequency
Daycare pickup/drop-off	Yes	A dozen times
Prescription medication pickup	Yes	Several times
Psychotherapist (Korinek) visits	Yes	Two or three times
Meeting prospective defense witnesses	No	Every request denied

The police officer who communicated the denial of witness-meeting requests reported that the decision was made **"at the behest of TTUHSC's lawyers."**

The selective application demonstrates that the ban's operative function was not safety but litigation advantage: Plaintiff was permitted on campus for personal purposes that posed the identical "safety" concern Defendants cited for the ban, yet barred only from activities that would have strengthened his defense.

This directly contributed to the **15-to-0 witness asymmetry** at the hearing (TAC ¶148): the institution recruited witnesses through ordinary institutional channels while Plaintiff was physically barred from meeting prospective witnesses in person.

K-20. Fell Comparator Evidence — Disparate Treatment

At the December 11, 2023 hearing, Vince Fell — the institution's own Threat Assessment reviewer — testified about how TTUHSC handled a prior similar case:

"[That case] was handled between school administrators and the student, and this one actually turned out in the student's favor. And no one knew. Even within the student body, nobody knew."

In contrast, Fell described Plaintiff's case as "**not handled privately**" but "**escalated into public domain.**"

Same institution, similar situation, opposite treatment. The differentiating factor is Plaintiff's protected speech. (TAC ¶191.)

K-21. Van Overdam (TAMU) Comparator

In *Van Overdam v. Texas A&M University*, No. 4:22-cv-02791 (S.D. Tex.), a medical student faced professionalism-based removal proceedings under comparable circumstances. TAMU — a fellow Texas public university governed by **comparable Board of Regents oversight and state regulatory frameworks** — provided every procedural safeguard that TTUHSC denied Plaintiff. (TAC ¶192.)

Safeguard	TAMU (Van Overdam)	TTUHSC (Plaintiff)
Hearing officer independence	Independent; no financial relationship	Gibson: \$393K+ in OCC contracts
Attorney participation	Permitted as communication support	Banned ("not permitted to speak")
Advance evidence disclosure	Full advance disclosure	Late/redacted evidence accepted
Disability accommodation	Hearing postponed to allow	1.5 business days; no

processing	SDS completion	postponement
Grievance resolution	Grievance-first before conduct proceedings	Grievances deferred to final 30 minutes
Outcome	Student retained	Plaintiff dismissed

Every safeguard that saved the TAMU student was absent from Plaintiff's proceedings — despite both being Texas public universities subject to comparable regulatory frameworks. This comparison demonstrates that TTUHSC's procedural choices were not compelled by regulatory structure but were discretionary decisions that departed from the treatment provided to similarly situated students at a peer institution.

K-22. Board "Retroactive Leniency" Admission

Defendants' own Motion to Dismiss states that the Board "determined that Dr. Bass's diagnosis... was not a proper basis for **RETROACTIVE LENIENCY**." (TAC ¶44; Doc. 27.)

This admission establishes all three elements of deliberate indifference:

1. **Knowledge:** The Board knew about the disability.
2. **Consideration:** The Board considered the evaluation.
3. **Conscious rejection:** The Board consciously rejected accommodation as "retroactive leniency."

Disability accommodation is not "leniency" — it is a legal obligation. By characterizing accommodation as "leniency," the Board revealed that it understood the disability, had the power to accommodate, and deliberately chose not to. The characterization also reveals the Board's framing: that Plaintiff was seeking special treatment rather than equal access — a framing inconsistent with the ADA's mandate.

K-23. Johnson Dossier — Mental Health Recharacterization and Newsweek Essay

FERPA Doc 1432 is a multi-page dossier retroactively compiled by a GSBS administrator on Plaintiff, spanning 2020 through 2023: social media screenshots, external complaint letters, tweet archives, academic records, and Plaintiff's **Newsweek article on public-health policy** ("It's Time for the Scientific Community to Admit We Were Wrong About COVID and It Cost Lives," Jan. 30, 2023). A notation states: "**a copy of the article will be filed in his file.**" (TAC ¶133.)

On **April 20, 2023** — seven months before the tweet — the same administrator sent an "URGENT" request for Plaintiff's complete enrollment dates and research-lab history (FERPA Doc 1219), confirming active dossier compilation months before any charged conduct.

Mental Health Recharacterization. The dossier contained mid-to-late 2022 correspondence among Plaintiff's PhD advisor, GSBS Dean Schneider, and Associate Dean Blanton — copied to senior GSBS leadership — in which Plaintiff's advisor characterized ongoing disputes over **data integrity in his laboratory** as behavioral or mental health problems on Plaintiff's part. The institutional response was not to address the research-methodology concerns but to discuss **requiring mental health evaluations for GSBS students** as a condition of continued enrollment — a discussion prompted by and directed at Plaintiff. This recharacterization of scientific objections as mental health deficiency established the institutional template for the "professionalism" framing later used to justify Plaintiff's removal. (TAC ¶133.)

Newsweek and Cabinet Officials. The Newsweek essay that TTUHSC catalogued in the dossier was widely circulated within days of publication and shared by Robert F. Kennedy Jr., Jay Bhattacharya, Marty Makary, and Vinay Prasad — who, at the time of this filing, serve, respectively, as **Secretary of Health and Human Services, Director of the National Institutes**

of Health, Commissioner of the Food and Drug Administration, and Director of FDA's Center for Biologics Evaluation and Research. (TAC ¶133.) Defendants compiled a dossier on and then punished the same speech that the nation's senior health officials amplified.

Dated: February 14, 2026

Respectfully submitted,

/s/ Kevin N. Bass

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Pro Se Plaintiff

CERTIFICATE OF SERVICE

I certify that on February 14, 2026, I served this Appendix by the method of service authorized by the Court and applicable rules on counsel for Defendants of record (if any have appeared).

/s/ Kevin N. Bass
Kevin N. Bass