UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

KEVIN N. BASS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 5:25-cv-00244-H-BV
	§	
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER;	§	
AMANDA McSWEEN, in her individual and official capacities;	§	
LAUREN COBBS, M.D., M.Ed., FACP, in her individual and official capacities;	§	
SIMON WILLIAMS, Ph.D., in his individual and official capacities;	§	
TAMARA MANCINI, M.Ed., in her official capacity;	§	
MIA MYERS, in her official capacity;	§	
JOHN/JANE DOE (Title II Coordinator), in official capacity;	§	
LORI RICE-SPEARMAN, Ph.D., in her official capacity;	§	
DARRIN D'AGOSTINO, D.O., MPH, MBA, in his official capacity;	§	
DAVID TROTTER, Ph.D., in his individual capacity;	§	
DARREN G. GIBSON, in his individual capacity;	§	
JENNIFER WILSON, M.D., in her individual capacity;	§	
RACHEL FORBES, MBA, BS, in her individual capacity; and	§	
DOES 2-10, in their individual capacities,	§	
	§	
Defendants.	§	

THIRD AMENDED COMPLAINT (Proposed; submitted pursuant to Fed. R. Civ. P. 15(a)(2) and N.D. Tex. LR 15.1(b), subject to leave of court)

VERIFIED COMPLAINT FOR DAMAGES, DECLARATORY RELIEF (28 U.S.C. §§ 2201-02), AND LIMITED PROSPECTIVE INJUNCTIVE RELIEF

Use of Generative Artificial Intelligence: Plaintiff used generative artificial intelligence to assist in drafting this complaint. Plaintiff has reviewed this complaint and is responsible for its content.

Document Identifiers: "FERPA Doc ####" refers to Plaintiff's internal identifier for a specific record reviewed during the January 2026 FERPA inspection of Plaintiff's educational records.

I. INTRODUCTION

1. On November 3, 2023, Plaintiff—a fourth-year medical student with approximately 84,000 social media followers (¶111)—posted a philosophical reflection on mortality to his personal social media account. The post named no person, referenced no institution, and threatened no violence (¶86). Within 24 hours, TTUHSC imposed emergency removal, a campus-wide ban, and a criminal trespass warning. A "Be On the Look Out" flyer bearing Plaintiff's photograph was distributed to hospital personnel with instructions to "call 911" if he was seen on the premises (¶117). TTUHSC's own General Counsel conceded the removal was "prompted by Social Media post" (¶108). The official who signed the emergency removal—Defendant Williams—had written nine months earlier that Plaintiff's speech was "obviously protected" but that the institution needed to "discuss an appropriate response" (¶134(a)). As early as September 2020, Williams had written: "misbehavior on social media is going to become a bigger issue and we can learn some best practices from this experience"—referring to Plaintiff (¶133). He was not alone: seven officials — Williams, Berk, Cobbs, Forbes, Islam, Morales, and Trotter — who separately documented awareness of and objections to Plaintiff's protected speech are the same officials who participated in the decision to remove him (¶107). A GSBS administrator assembled a multi-page dossier on Plaintiff—retroactively compiling social media screenshots, external complaint letters, academic records, and Plaintiff's Newsweek article on public-health policy into a single document spanning 2020 through 2023 (¶133). That article was shared at the time of publication by individuals who, at the time of this filing, serve as Secretary of Health and Human Services, Director of the National Institutes of Health, Commissioner of the Food and Drug Administration, and Director of the FDA's Center for Biologics Evaluation and Research (¶133). Three days before the fourteen-hour hearing, Plaintiff submitted a formal disability accommodation request; TTUHSC's own personnel had assessed him as "probably on the spectrum of autism" months earlier (¶39(b)). Student Disability Services issued no determination before the hearing (¶41). At the hearing, the Hearing Officer—TTUHSC's retained

outside counsel under eight contracts totaling $393,000+ (¶147)—excluded the neuropsychological evaluation's accommodation recommendations as "outside scope," barred Plaintiff's neuropsychologist from testifying, banned contemporaneous objections, and permitted zero defense witnesses against ten institutional witnesses (¶¶48-52, 148). The zero-to-ten asymmetry was not accidental: TTUHSC's campus ban permitted Plaintiff to pick up his child from daycare and collect prescriptions but specifically denied requests to meet prospective defense witnesses— a denial made, according to the police officer who communicated it, at the behest of TTUHSC's lawyers (¶128A). The disciplinary process that produced the hearing itself was structured to ensure this outcome: an earlier internal proceeding could not identify a single professionalism incident in closed-door testimony, yet the institution stripped Plaintiff's right to informal complaint resolution—ensuring that every subsequent complaint, no matter how minor, would bypass the administrator who could have resolved it and proceed directly to a formal board (¶68). The Board found Plaintiff "incapable of remediating"—relying on testimony from the same officials who recognized his disability for months without initiating accommodation (¶44). On January 7, 2024, a campus administrator sent a mass email to approximately two hundred medical students celebrating that the school was "one student lighter" and directing recipients to "just check his Twitter" (¶121).

2. Plaintiff does not seek reinstatement or readmission to TTUHSC. This case is about the stigma Defendants created and continue to publish. The institutional labels Defendants attached—unprofessional, unremediable, dangerous, unfit—are not neutral academic outcomes. They are affirmative stigmatizing characterizations that leave Plaintiff demonstrably worse off than if he had never attended medical school at all: a person without a medical credential faces no barrier, but a person branded as too dangerous to complete one carries a permanent negative signal in every credentialing inquiry, background check, and professional interaction. Plaintiff seeks: (a) damages and declaratory relief under § 504 of the Rehabilitation Act against TTUHSC as a federal-funds recipient; (b) prospective relief under Title II of the ADA against appropriate officials pursuant to Ex parte Young; and (c) damages and declaratory relief (and where

appropriate limited prospective relief) under 42 U.S.C. § 1983 against responsible individuals for violations of the First and Fourteenth Amendments.

3. FIREWALL / NO OP 77.13 RELIEF. Plaintiff does not ask this Court to enforce TTUHSC's education-record amendment/annotation procedure (HSC OP 77.13) or Tex. Gov't Code § 559.004, and Plaintiff does not seek any order directing changes to, removal of, or annotation of Plaintiff's transcript or other education records. Any reference to education-record inspection/access or transcript notations is pleaded solely to explain timing and continuing publication and to describe resulting injuries, and does not request adjudication of record accuracy or OP 77.13 / § 559.004 compliance in this Court.

SEPARATE PROCEDURE-ONLY STATE MATTER; NON-DUPLICATION. Plaintiff pursues OP 77.13/ § 559.004 record-procedure mechanics only in a separate, narrowly limited state-court action concerning Defendants' post-December 30, 2025 implementation of inspection/review and response steps for an OP 77.13 request. That state matter expressly disclaims damages and any request that a state court adjudicate the merits of the underlying disciplinary decision or the truth/falsity of record content. Plaintiff seeks only non-duplicative federal relief here, including damages and declaratory relief for federal statutory/constitutional violations and limited prospective process relief (e.g., name-clearing), relief not available in the state record-procedure matter.

4. No adoption of other pleadings or records. The paragraph above is a limited firewall clarification only. Plaintiff does not attach, adopt, or rely on the full contents of any other pleading (including any state-court petition) or any exhibit, transcript, email, or record not attached to this Third Amended Complaint. Any mention of a state-court petition is solely to clarify scope and does not request any relief in that matter.

II. JURISDICTION, VENUE, AND AUTHORITY FOR RELIEF

5. This Court has federal-question jurisdiction under 28 U.S.C. §§ 1331 and 1343.

6. Venue is proper in this District and Division under 28 U.S.C. § 1391(b)(1)-(2) because a substantial part of the events giving rise to the claims occurred in this Division and at least one defendant resides here.

7. Declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201-02 and Fed. R. Civ. P. 57 and 65. Costs are authorized by 28 U.S.C. § 1920. Post-judgment interest is authorized by 28 U.S.C. § 1961.

8. Plaintiff seeks prospective relief only where he alleges ongoing and imminent injury and an ongoing procedural deprivation: TTUHSC's continuing publication of transcript/status verifications and continuing risk of re-issuance of threat-imputing exclusion/status communications (¶153-154), and Defendants' ongoing refusal to provide a name-clearing hearing (¶156; ¶215).

9. Ex parte Young framework. Plaintiff seeks only prospective injunctive and declaratory relief against state officials in their official capacities to stop ongoing violations of federal law. The Ex parte Young inquiry is a "straightforward" one: whether the complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective. *Verizon Md., Inc. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 645 (2002). Such relief is available when the named official has "some connection" with enforcement or implementation of the challenged conduct. *Ex parte Young*, 209 U.S. 123, 157 (1908); *see also Jackson v. Wright*, 82 F.4th 362, 369 (5th Cir. 2023) (applying "some connection" standard in university governance context).

III. SOVEREIGN IMMUNITY, REMEDIAL FRAMEWORK, AND EXHAUSTION

10. Plaintiff does not seek § 1983 money damages against TTUHSC or against officials in their official capacities.

11. TTUHSC receives federal financial assistance and is a Title II "public entity" and a § 504 "program or activity." Plaintiff asserts § 504 claims against TTUHSC as the recipient of federal funds. By accepting federal financial assistance, TTUHSC waived any Eleventh Amendment immunity to suit under § 504. See 42 U.S.C. § 2000d-7(a)(1).

12. Plaintiff seeks only prospective, non-monetary relief under Title II against appropriate officials with a sufficient enforcement connection for Ex parte Young relief. Plaintiff does not rely on generalized supervisory authority alone. Each official-capacity defendant is named only to the extent that defendant has a specific connection to implementing the prospective relief requested, as described in the allegations below.

13. For Article III and Ex parte Young purposes, the prospective relief requested in Counts 2 and 7 is tethered to the continuing and imminent disclosure risks pleaded in ¶153-154 and to Defendants' ongoing refusal to provide a name-clearing hearing (¶156). Each official-capacity defendant is named only to the extent alleged to control or direct the discrete operational channels necessary to implement that limited relief (name-clearing hearing process; Title II effective-communication measures in that hearing; and limits on new non-transcript threat-imputing communications).

14. Consistent with *Cummings v. Premier Rehab Keller, P.L.L.C.*, 142 S. Ct. 1562 (2022), and *Barnes v. Gorman*, 536 U.S. 181 (2002), Plaintiff does not seek punitive or emotional-distress damages under Title II or § 504. Plaintiff seeks economic losses and, where permitted, nominal damages. Any punitive damages sought are limited to § 1983 claims against individual-capacity defendants where allowed by law.

15. No administrative exhaustion is required for the Title II or § 504 claims pleaded here.

IV. STATUTE OF LIMITATIONS AND TIMELINESS

16. The principal events at issue occurred between November 2023 and January 2024, with continuing effects thereafter, including (a) a yearlong Criminal Trespass Warning/campus-access restriction that remained in effect through approximately November 4, 2024 and was enforced as late as September 24, 2024, and (b) ongoing dissemination of status and exclusion communications. Internal dissemination details and recipient lists for certain communications were within Defendants' exclusive control and were not available to Plaintiff until the January 2026 in-person inspection of education records. Plaintiff pleads this solely to explain discovery

timing and continuing publication; Plaintiff does not seek any OP 77.13 / § 559.004 record-procedure relief in this Court.

17. Pleading scope; background only. To the extent any described conduct predates the applicable limitations period, it is pleaded as background and context (including motive, notice, and intent), not as an independent basis for damages. Plaintiff's damages theories arise from the challenged disciplinary outcome and its implementation and from continuing publications and ongoing harms; Plaintiff's prospective-relief theories address ongoing and threatened future dissemination and process deficiencies.

18. Record-access context; discovery timing only. Before the January 2026 in-person inspection sessions, TTUHSC offered Plaintiff limited, time-restricted remote inspection/review sessions, including at least one session offered with less than 24 hours notice, and imposed restrictions prohibiting recording, photographing, or otherwise capturing the content shown during those sessions. For example, in a one-hour remote session on December 12, 2025, Plaintiff was able to review only approximately 20 items from a much larger compiled set of responsive education records. Plaintiff pleads these facts solely to explain discovery timing and continuing publication, not to seek any OP 77.13 / Tex. Gov't Code § 559.004 record-procedure relief in this Court.

19. Texas's two-year personal-injury limitations period applies to § 1983, Title II, and § 504 claims. This action is timely.

20. Addition of Defendant Trotter; relation-back. Plaintiff previously identified Dr. David Trotter by name and role in a pleading filed in this action on December 11, 2025, alleging that he served as Student Conduct Administrator. Plaintiff inadvertently omitted Dr. Trotter from the caption and defendant list while pleading his conduct. Plaintiff's claims against Dr. Trotter arise from the same events described in that timely pleading. On information and belief, Dr. Trotter received actual or constructive notice of this action within the Rule 4(m) period through coordinated defense representation, knew or should have known the omission was a mistake, and will not be prejudiced. Plaintiff pleads relation-back under Fed. R. Civ. P. 15(c)(1)(C).

V. PARTIES

21. Plaintiff Kevin N. Bass is an adult resident of Lubbock County, Texas.

22. Defendant Texas Tech University Health Sciences Center ("TTUHSC") is a public university entity, an arm of the State of Texas, and a recipient of federal financial assistance.

23. Defendant Amanda McSween is TTUHSC's Managing Director of Enrollment Services and University Registrar. Under Handbook Part V.F and HSC OP 77.13, she controls student education records, transcript issuance, and records amendment hearings—and is named as a party in records proceedings. She is sued in her individual capacity (damages under § 1983) and in her official capacity (prospective Title II relief limited to non-transcript status communications within her authority).

24. Defendant Lauren Cobbs, M.D., M.Ed., FACP, is Associate Dean for Student Affairs (School of Medicine). Under Handbook Parts I.C and II.F, Student Affairs coordinates student conduct administration with the Provost, including complaint routing and grievance processing. She is sued in her individual capacity (damages under § 1983) and in her official capacity (prospective Title II relief).

25. Defendant Simon Williams, Ph.D., is Senior Associate Dean for Academic Affairs (School of Medicine). Under Handbook Part II.F, he controls grading, promotion, and student conduct enforcement within Academic Affairs. He personally participated in Plaintiff's matter—circulating a "Draft for appeal decision" the same day Plaintiff won his first appeal (FERPA Doc 949). He is sued in his individual capacity (damages under § 1983) and in his official capacity (prospective Title II relief).

26. Defendant Tamara Mancini, M.Ed., is Director of Student Disability Services ("SDS"). Under HSC OP 77.14, SDS is the exclusive mechanism for disability accommodations—only SDS can issue Letters of Accommodation, and no other office can substitute. She is sued in her official capacity (prospective Title II relief).

27. Defendant Mia Myers is Associate Managing Director, Student Financial Aid. Under Handbook Part V.E.4, she determines eligibility, amount, and conditions of financial aid and enforces financial aid terms—including the $24,316.56 Title IV return demand. She is sued in her official capacity (prospective Title II relief limited to non-transcript status/hold workflows within her authority).

28. Defendant John/Jane Doe is TTUHSC's ADA Title II Coordinator (identity presently unknown). He/she is sued in official capacity only to the extent of implementing authority for the limited prospective Title II compliance relief requested in Count 2 (effective-communication/accommodation measures in TTUHSC processes affecting Plaintiff, including any Court-ordered name-clearing hearing).

29. Defendant Lori Rice-Spearman, Ph.D., is President of TTUHSC. Under Handbook Part I.C, all enforcement authority is delegated from the Board of Regents through the President to "any University official(s) the President designates"—making the President the apex of the enforcement chain for every challenged action. She is sued in her official capacity only to the extent she can ensure implementation, through her executive authority to direct subordinate officials, of any prospective process relief ordered by the Court (e.g., convening a name-clearing hearing and ensuring Title II-compliant accommodations in that process).

30. Defendant Darrin D'Agostino, D.O., MPH, MBA, is TTUHSC's Provost and Executive Vice President of Academics / Chief Academic Officer. Under Handbook Part II.F.4.q, "[t]he Provost or their designee's decision shall be final"—making D'Agostino the final appellate authority for student conduct matters. Under Part III.C, the Provost must confirm any Withdrawal of Consent within 24 hours or it becomes "void and of no force or effect"—giving D'Agostino direct control over emergency removal. He is sued in his official capacity only to the extent he can ensure implementation, through his academic-affairs authority, of any prospective process relief ordered by the Court (e.g., convening a name-clearing hearing and ensuring Title II-compliant accommodations in that process).

31. Defendant David Trotter, Ph.D., served as TTUHSC's Student Conduct Administrator for Plaintiff's disciplinary matter, including the pre-hearing consolidation notice and hearing-procedure communications described below. He is sued in his individual capacity.

32. Defendant Darren G. Gibson is an attorney retained by TTUHSC who served as the outside Hearing Officer for Plaintiff's December 11, 2023 disciplinary proceeding and exercised disciplinary/procedural authority delegated by TTUHSC officials. In that role, Gibson exercised authority to control the hearing's format, admit or exclude evidence, and impose procedural constraints. Plaintiff alleges that Gibson's exercise of that delegated authority denied Plaintiff a meaningful opportunity to be heard and materially increased the risk of erroneous deprivation. Gibson is sued in his individual capacity.

33. Defendant Jennifer Wilson, M.D., is Vice Dean for Medical Education at TTUHSC's School of Medicine Covenant Branch Campus and an Associate Professor. She is sued in her individual capacity.

34. Defendant Rachel Forbes, MBA, BS, is Assistant Vice Dean for Student Affairs at the Covenant Branch Campus. She is sued in her individual capacity.

35. Defendants DOES 2-10 are presently unidentified persons who, acting under color of state law, participated in (a) the consolidation, conduct, or implementation of the disciplinary proceedings described herein and/or (b) the publication and/or implementation of the exclusion and stigmatizing communications described below. Plaintiff will seek their identities through discovery. Plaintiff does not sue DOES 2-10 as a substitute for timely naming known actors.

VI. FEDERAL-STATE COORDINATION / NON-INTERFERENCE

36. A separate state-court petition filed in Lubbock County seeks only prospective, official-capacity relief to compel ministerial record-procedure steps under HSC OP 77.13 and Tex. Gov't Code § 559.004. That petition expressly disclaims damages and federal causes of action. Plaintiff does not seek in this federal action any OP 77.13 enforcement, any education-record amendment/annotation order, or any order directing changes to the official transcript

record. The federal claims here—disability discrimination, retaliation, and denial of a name-clearing process—are not available in the state proceeding, and the two matters are not parallel.

37. No duplication; not a substitute. Any reference to the state "record-procedure" matter is for scope clarification only and is not intended to adopt or incorporate the state pleading's allegations, and is not an admission that the matters are parallel or that adjudication of the state matter would resolve any claim here. The state record-procedure matter cannot award the federal damages and federal declaratory relief sought here and is not a parallel proceeding capable of disposing of the federal claims pleaded in this action.

VII. FACTUAL ALLEGATIONS

A. Disability notice and requested hearing accommodations

38. Before the December 11, 2023 disciplinary proceeding, Plaintiff provided written notice that he has a neurodevelopmental disability with associated anxiety and functional limitations affecting processing and communication under high cognitive load; requested communication-related accommodations through SDS; and provided supporting documentation, including a neuropsychological evaluation and recommendations for communication supports. On December 6, 2023, Plaintiff underwent a neuropsychological evaluation recommending communication supports and accommodations for high-stakes proceedings, including extra breaks, written-format delivery of key information where feasible, permission to record, and representation during proceedings. (See Defs.' Ex. 7, Doc. 27-7.) Plaintiff does not plead the specific diagnostic label in this public filing because it is sensitive medical information and not necessary to state the claim; Plaintiff can provide the diagnostic documentation in discovery and/or under an appropriate protective order if needed. Plaintiff requested accommodations relevant to effective participation in the hearing process, including predictable turn-taking, reasonable breaks, written copies of key information where feasible, and limited attorney-assisted questioning as a communication support to cue and clarify.

39. Constructive Knowledge of Disability (Seven Months Before Formal Diagnosis). TTUHSC had constructive knowledge of Plaintiff's disability for approximately seven months before the formal December 2023 diagnosis:

(a) May-June 2023: TTUHSC's own Mid-Rotation Faculty Assessment ("MRFA") documented that Plaintiff "may struggle to overcome difficulties relating socially to patients and members of the medical team" and that "multiple preceptors have remarked on his awkwardness." A faculty evaluation noted Plaintiff "struggles. Not smooth at all. Seems uneasy, beyond what I would have expected."

(b) August-October 2023: TTUHSC's professionalism coach, Dr. Erwin, assessed Plaintiff as "probably on the spectrum of autism" but made no referral to an autism specialist despite this clinical assessment. Erwin later testified that Plaintiff's "biggest emotion is fear" and that Plaintiff "lack[s] political intelligence surrounding the way that [his] behaviors and words impact other people." TTUHSC personnel thus recognized traits consistent with a neurodevelopmental condition—yet made no specialist referral, no accommodation inquiry, and no interactive process determination, instead incorporating these observations into the professionalism record used to justify dismissal. Erwin's clinical observation that Plaintiff was "probably on the spectrum of autism" is credited because it was independently confirmed by the neuropsychological evaluation five months later — establishing it as an accurate factual observation, not an evaluative judgment. Erwin's private coaching notes further reveal that the coaching itself was inseparable from speech issues: "The social media issues came up. They cannot be ignored. They raise issues of constitutional free speech, due process, and reputational harm... In the present he seems to be taking his First Amendment rights to make an idiot of himself." (FERPA Doc 0124, FERPA records p. 15.) The person running the remediation track documented that constitutional rights were at stake and viewed their exercise with contempt—establishing that the

professionalism coaching mechanism was a vehicle for viewpoint discrimination. In the same document, Erwin compared Plaintiff to the Trump indictment and wrote: "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." (FERPA Doc 0124.) The professionalism coach explicitly characterized Plaintiff's views on public health policy—views shared by millions—as evidence of psychological pathology.

In a separate document (FERPA Doc 0083), Erwin's notes pathologized Plaintiff's protected speech as personality defects—diagnosing constitutionally protected commentary as character disorder. The coaching instructions directed: "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?" The institution's professionalism coaching mechanism explicitly targeted social media activity—protected First Amendment expression—as the behavior to be suppressed.

On October 4, 2023—more than two months before the hearing—Erwin wrote that she had "come to believe" that every complaint against Plaintiff "all stem from his resentment and inability to be emotionally honest with himself." Erwin had pre-concluded that every professionalism complaint stemmed from Plaintiff's personality defects before she ever testified—then the Board cited her testimony as "particularly relevant."

On November 29, 2023—after Plaintiff filed his state court lawsuit—Erwin wrote: "Because I had reformulated our relationship as friendship rather than coaching I consider a legal action against my employer a direct disregard of and abandonment of our friendship." (FERPA Doc 0124.) The professionalism coach explicitly equated the exercise of Plaintiff's right to file suit with personal betrayal. Then, at the December 11, 2023 hearing itself, Erwin told Plaintiff directly: "Now that you've filed litigation against your medical school... I think it makes it much more difficult for you for many reasons." (Hearing Tr.) The institution's professionalism coach

first ended the coaching relationship in writing, then warned Plaintiff at his own hearing that exercising his right to file suit would make things worse. The institution then proceeded to dismissal.

Throughout this period, Erwin's private characterizations bore no resemblance to her communications with Plaintiff. To his face: "You were lovely" (Sept. 7, 2023); "I just want you to feel supported" (Oct. 17, 2023); "I will not abandon you. You have work to do my friend, and it is the work of healing. Your friend, Dr. Erwin" (Oct. 29, 2023). In her notes: "conspiracy theories," "intellectual narcissism," "paranoia," "making an idiot of himself." The person the institution assigned to help Plaintiff was privately building a record that bore no resemblance to the support she performed to his face.

A further Erwin document (FERPA Doc 0132, created August 10, 2023, last saved December 11, 2023—the day of the hearing) states: "Goal: overarching goal is to find a path for K to stay in med school. Outcome: moderating his behavior, especially his communications with others." The institution's own professionalism coach conditioned continued enrollment on speech modification—while simultaneously pathologizing the characteristics she identified as disability-related as personality defects.

(c) On October 13, 2023, Defendant Wilson told Plaintiff in a recorded conversation: "I'm not sure quite if it's just a personality thing for you... and then it comes off that way"—recognizing the behavior as involuntary and personality-based rather than intentional misconduct.

(d) At the December 11, 2023 hearing, Dr. Erwin testified that Plaintiff was "probably on the spectrum of autism." No Defendant disputes that assessment.

(e) On December 6, 2023, Plaintiff underwent a neuropsychological evaluation conducted by Dr. Wierzchowski. (See Defs.' Ex. 7, Doc. 27-7.) The evaluation (TTUHSC-0000068) concluded that Plaintiff's neurodevelopmental condition "is not found to be indicative of increased chances toward criminal activity or violence" and described Plaintiff as "a sensitive and gentle individual." The evaluation

recommended communication supports and accommodations for high-stakes proceedings. Despite possessing this expert evidence that Plaintiff posed no threat, Hearing Officer Gibson excluded it as "outside scope" and redacted the accommodation recommendations entirely.

These documented observations establish constructive knowledge of disability before formal diagnosis. Despite this knowledge, TTUHSC made no referral, no accommodation determination, and no interactive process inquiry.

40. No Formal Remediation Plan. Plaintiff had no disciplinary history of any kind— from middle school through a doctoral program—before entering TTUHSC's clinical curriculum. Within approximately six months, more than a dozen formal complaints were filed. Despite documenting professionalism concerns through multiple evaluations and incident reports over a period of months, TTUHSC never created a formal written remediation plan for Plaintiff. Plaintiff's neuropsychological evaluation (December 6, 2023; See Defs.' Ex. 7, Doc. 27-7) confirmed that "a remediation plan does not appear to have been formally documented" and that "there did not appear to be specific remediation beyond the verbal conversations that pointed out the behaviors." The evaluator further noted that institutional "documents state that verbal discussions were had, but did not provide suggestions for intervention or systematic steps for remediation of these issues." TTUHSC failed to provide any disability-specific intervention, measurable goals, or documented accommodation process before proceeding to dismissal—skipping directly from identification of professionalism concerns to the highest available sanction.

The remediation failure is compounded by a more fundamental defect: the institution demanded remediation of incidents it could not identify. When the original SPPCC complaint was heard, the complaining witness (Dr. Brown) could not cite a single specific professionalism incident in testimony. Trotter independently confirmed this after reviewing the hearing recordings (¶68). The appeals panel agreed, citing "lack of specificity." Plaintiff repeatedly asked administrators—including Defendants Williams, Cobbs, and Forbes—to identify the specific

conduct he was supposed to remediate; TTUHSC did not provide incident-level notice (¶¶65-66). Plaintiff asked more than twenty physician colleagues what he had done wrong; none could tell him. The professionalism coach, Erwin, could not explain the issue either. When Plaintiff protested that the alleged incidents had not occurred, the institution characterized his protest as "lack of insight"—transforming his accurate observation into further evidence of deficiency. The Board ultimately found Plaintiff "incapable of remediating" behavior that no one in the institution—not the complaining witness, not the appeals panel, not the professionalism coach, not the administrators—had ever been able to identify with specificity. A student cannot remediate what no one can describe.

41. On December 8, 2023, Plaintiff and counsel contacted SDS and TTUHSC officials regarding hearing-related accommodations. At approximately 2:37 PM on December 8, 2023, Plaintiff's counsel emailed Student Conduct Board Chair Felix Morales notifying him that Plaintiff has a neurodevelopmental disability with associated anxiety and functional limitations affecting effective communication and participation in high-stakes proceedings (as reflected in the neuropsychological evaluation) and advising that Plaintiff would request accommodations through Student Disability Services for the December 11, 2023 hearing. Attorney Robert Hogan forwarded this notification—including the diagnostic information—to Board Chair Felix Morales, stating "this impacts our hearing Monday," and CC'd General Counsel Posey. (Exhibit TAC-5.) Thus, the Board Chair and General Counsel had Plaintiff's disability documentation three full days before the hearing—not "the morning of," as the Board later claimed. Plaintiff also submitted a formal SDS application on December 8, 2023 at 2:19 PM, listing primary and secondary disabilities and requesting accommodations "generally but in particular concerning a student conduct hearing scheduled for Dec. 11 at 8 AM." (FERPA Doc 1509.) The SDS application was printed from TTUHSC's Banner system on December 12, 2023—the day after the hearing— confirming institutional receipt. SDS did not issue any written Letter of Accommodation addressing the hearing before the hearing occurred, and Plaintiff received no written SDS determination granting, denying, or proposing equally effective alternatives for

hearing-related supports. Plaintiff received no written denial identifying any undue burden or fundamental alteration, and no written decision proposing any accommodation meeting Plaintiff's documented communication needs.

42. Pre-Existing ADHD Never Accommodated. The Board's own determination letter references Plaintiff's "pre-existing ADHD diagnosis"—an admission from Defendants' own filing that TTUHSC knew of a qualifying disability before December 2023 and never initiated the interactive process. If ADHD was "pre-existing," the accommodation obligation predated the hearing by months or years. The institution's own professionalism coach, Erwin, documented in TTUHSC's own records: "I do not feel confident I can coach this student on the SPPCC issues without addressing the issues raised by the student that lie beyond the formal referral." (FERPA Doc 0124.) In the same document, Erwin wrote that coaching would be "utterly ineffective if the mental health issues are not resolved." The institution's own coach documented from the outset that the assigned intervention was inadequate—then neither referred Plaintiff to SDS, nor provided mental health support, nor modified the coaching approach, instead treating the predictable failure of an admittedly insufficient process as evidence of Plaintiff's deficiency.

43. Board's False Timeline Regarding Disability Disclosure. The Board's official determination claimed that Plaintiff's disability was "not disclosed until the morning of the hearing." This is false. Plaintiff's counsel formally notified TTUHSC of Plaintiff's diagnoses on December 8, 2023—three full days before the December 11 hearing. The Board's misrepresentation of the disclosure timeline in an official determination suggests bad faith and undermines the "eleventh-hour" defense.

44. Board Rejection of Disability as "Retroactive Leniency." Defendants' own Motion to Dismiss states that the Board "determined that Dr. Bass's diagnosis... was not a proper basis for RETROACTIVE LENIENCY." This admission establishes all three elements of deliberate indifference: (1) the Board knew about the disability, (2) the Board considered the evaluation, and (3) the Board consciously rejected accommodation as "retroactive leniency." Disability accommodation is not "leniency"—it is a legal obligation. The Board's own characterization

establishes that it understood the disability, had the power to accommodate, and deliberately chose not to. The Board further found Plaintiff "incapable of remediating" his behavior—using the testimony of Dr. Erwin ("probably on the spectrum of autism") and Defendant Wilson ("not malicious," "a personality thing") as the evidentiary basis. The Board relied on witnesses who characterized Plaintiff's behavior as disability-related for months without initiating accommodation, then treated their own characterizations as proof of irremediable deficiency.

45. Disability-to-Dismissal Pipeline. Defendants' own personnel recognized Plaintiff's disability throughout 2023 (¶¶39-39(b)) and initiated no accommodations or interactive process at any point—despite Erwin's contemporaneous conclusion that coaching was "utterly ineffective if the mental health issues are not resolved" (¶40). 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 (¶¶96, 103). The one evaluation that would have provided clinical context—Wierzchowski's neuropsychological assessment—was suppressed: Gibson redacted accommodation recommendations and excluded the neuropsychologist from testifying (¶¶48, 50). A passing grade was overridden to impose a Fail (¶172(c)). The Board then found Plaintiff "incapable of remediating"—relying on testimony from Erwin and Wilson, the very officials who characterized Plaintiff's behavior as disability-related for months without acting. The institution never provided disability-specific remediation (¶40), then treated the absence of improvement as evidence that improvement was impossible.

46. OP 77.14 Mathematical Impossibility. TTUHSC's own Operating Policy 77.14 requires registration, documentation review ("up to two weeks"), an interactive meeting, and a Letter of Accommodation. Between December 8 (Friday afternoon) and December 11 (Monday morning hearing), one partial business day existed. The institution controlled the hearing date, chose not to postpone, and created a timeline that made compliance with its own accommodation policy structurally impossible. TTUHSC routinely solicited accommodations for lower-stakes events: on July 24, 2023, TTUHSC emailed students including Plaintiff: "In looking ahead at

Mock OSCE/OSCE, please send me any accommodations you have directly so those can be kept in mind for scheduling." The institution had a working proactive accommodation-solicitation system for clinical exams but never extended it to Plaintiff's career-determining hearing—despite formal notice of his disability three days earlier.

47. SDS Policy as Structural Barrier. Under TTUHSC's position, SDS is "the only office authorized" to grant accommodations and there is "no requirement" before SDS completes its process. For time-sensitive hearings, this guarantees denial whenever the hearing precedes SDS processing. Plaintiff notified SDS on December 8, 2023; the hearing occurred December 11; SDS issued no determination—not a denial, but silence. The policy transforms that silence into authorization to proceed without accommodation.

48. At the hearing, Hearing Officer Darren G. Gibson—acting under procedural authority delegated by Student Conduct Board Chair Dr. Felix Morales—admitted only a redacted version of the neuropsychological evaluation and excluded the accommodations section as purportedly outside the Board's scope for hearing-process purposes. Gibson also categorically barred counsel from questioning witnesses directly, including as a limited communication aid.

49. Gibson Mid-Hearing Accommodation Proves Feasibility. Gibson called a fifteen-minute break to discuss accommodations, then granted four: water, snacks, additional breaks, and a support person—logistical comforts available to any participant that require no disability-specific knowledge or modification. Water is not a disability accommodation for a neurodevelopmental disability in a fourteen-hour adversarial proceeding. Every substantive accommodation responsive to Plaintiff's documented neurodevelopmental disability—attorney-assisted questioning as a communication aid, written-format delivery, structured turn-taking, postponement for SDS determination—was denied. The mid-hearing break proves accommodation was feasible; the selective grant of only logistical comforts while denying every substantive accommodation was a deliberate choice.

50. Gibson Same-Day Double Standard on Witnesses. In the same December 11, 2023 hearing, Gibson allowed the University to add Dr. Erwin as a witness that morning— stating "I'm

going to allow Dr. [Erwin] to be added as a witness." In the same proceeding, Gibson denied Plaintiff's neuropsychologist—the only expert who could provide clinical context for the characteristics Defendants labeled as "professionalism" concerns—because "the university did not have time to identify [a] rebuttal witness," yet the University had no advance notice of Erwin's testimony either. Gibson applied opposite standards to identical same-day requests, consistently favoring the institution and suppressing disability evidence.

B. Hearing structure and departures from published rules

51. Gibson declared at the hearing's outset that "my decisions are final" and promised that any exception "shall be applied equally both parties." The hearing record shows otherwise: Wilson's examination alone ran approximately 80 minutes—against a stated 30-minute-per-witness limit—after which Gibson told Plaintiff "you have 20 more minutes" for all remaining questioning; Gibson excluded Plaintiff's neuropsychologist because "the university did not have time to identify [a] rebuttal witness" while adding the University's witness that same morning; Gibson banned contemporaneous objections while allowing the University to raise procedural points throughout; and Gibson accepted late/redacted evidence favorable to the administration while excluding accommodation evidence as "outside scope." The consolidated hearing lasted roughly fourteen hours and involved ten witnesses plus Plaintiff. Published hearing materials set specific time allocations and a structured sequence, including ten-minute opening statements and approximately thirty minutes per witness per side. As implemented by Hearing Officer Gibson under delegated procedural authority, the hearing barred contemporaneous objections, required counsel's questions to be submitted in writing, asserted unilateral authority to limit Plaintiff's questioning on relevance grounds, and applied time limits and sequencing asymmetrically against Plaintiff in a manner that materially impaired Plaintiff's ability to present his defense and grievance-based context.

52. Advisor Prohibited From Speaking. Under TTUHSC's Student Handbook (Part II.F.4.i.i), even a permitted advisor is "not permitted to speak or to participate directly or

indirectly in any Student Conduct Board Hearing." The Accused must "present[] their own information." An attorney advisor was available only if the student faced "a pending criminal investigation, indictment or charge arising out of the same circumstances"—and Plaintiff was not criminally charged, despite being subject to a campus ban, emergency removal, and Criminal Trespass Warning. The neuropsychological evaluation specifically concluded that Plaintiff "should have appropriate representation and should not be permitted to represent himself" in legal and formal civil hearings (See Defs.' Ex. 7, Doc. 27-7), yet the Handbook required precisely that—self-representation with a silent advisor against ten institutional witnesses (drawn from eighteen authorized) over fourteen hours.

52A. Impact of Accommodation Denial on Hearing Participation. The denial of substantive accommodations produced the precise harm the neuropsychological evaluation predicted. During the proceeding, Plaintiff's attention drifted and he was unable to follow many lines of discussion and argument. By the time of Defendant Wilson's testimony—one of the Board's two most-relied-upon witnesses (¶142)—Plaintiff was missing more than fifty percent of what was said. By the end of the fourteen-hour hearing, Plaintiff was unable to capture the large majority of the proceedings and could not formulate adequate cross-examination or closing testimony. The accommodation denial was not harmless procedural error—it rendered Plaintiff unable to meaningfully participate in the very proceeding that determined his dismissal.

53. Dr. Trotter represented that the hearing would address Plaintiff's grievances first, then conduct allegations. On October 25, 2023, Trotter wrote: "grievances will be resolved per policy before a scheduled SPPCC meeting." Plaintiff prepared in reliance. Trotter and TTUHSC official Dr. Elisabeth Conser designed a compromise hearing structure that would have addressed grievances in tandem with conduct allegations—providing significantly greater fairness without requiring additional resources. On December 11, 2023, the Trotter-Conser plan was abandoned without advance notice to Plaintiff. Under the format implemented by Hearing Officer Gibson, grievance-based context was deferred until after ~10 hours of adverse testimony, and Plaintiff was given ~30 minutes to respond.

53A. Deliberations — Institutional Counsel Present, Student Conduct Administrator Excluded. Following closing statements, Hearing Officer Gibson announced that "all advisors [and] parties are excluded from [the] deliberation process." Gibson remained present during the Board's deliberations. Under the Board of Regents' Student Code of Conduct, the only non-voting individual permitted during deliberations is the "Resource Person"—defined as "a trained University staff member" who "is responsible for composing the Panel's decision, rationale, drafting the decision letter, providing clarification on policy and procedure, and providing clarification on appropriate sanctions." Gibson was not a University staff member; he was TTUHSC's retained outside counsel from Littler Mendelson under eight contracts totaling $393,000+ (¶147). Gibson functioned as the Resource Person— he wrote the fourteen-page determination letter issued under Board Chair Morales's signature—but he did not qualify for the role under the institution's own policy. Trotter, the Student Conduct Administrator who had designed the compromise hearing structure (¶53) and who was the administrator most familiar with the full scope of the complaints, grievances, and Plaintiff's circumstances, informed Plaintiff that he had sought to participate in deliberations and was refused. The result: the institution's paid litigation counsel shaped the Board's findings from inside the deliberation room, while the one administrator who had shown Plaintiff procedural consideration was excluded from it.

54. In the same recorded pre-hearing communications, Dr. Trotter conveyed: "What the resolution they're willing to accept at this point is your withdrawal. So if you withdraw without possibility of re-enrollment... Short of that... they want this to move to a hearing." This ultimatum—withdraw permanently or face a hearing—reveals that the outcome was predetermined: the institution had already decided on removal and offered the hearing not as a neutral fact-finding process but as the consequence for refusing to leave voluntarily. Plaintiff declined to withdraw and prepared for the December 11, 2023 hearing in reliance on the grievance-first structure described above.

55. Structural Bias — Process Administrator Drafted Appellate Decisions. On September 7, 2023—the same day Plaintiff won his SPPCC appeal—Defendant Williams circulated an email titled "Draft for appeal decision." (FERPA Doc 949.) Williams was the Senior Associate Dean who administered the entire SPPCC process: he received Plaintiff's appeal, briefed the appeal committee on procedures, and then drafted the appellate authority's (DeToledo's) decision on those very proceedings. This structural role-blurring—where the administrator who controls every stage of the process also writes the appellate decision—demonstrates the absence of any independent review in Plaintiff's disciplinary proceedings, a defect that carried forward into the December 11, 2023 hearing and subsequent appeal processes.

The predetermination timeline extends further:

(a) On April 26, 2023—seven months before the November 3 tweet cited as triggering the emergency response—Trotter emailed: "I will help collect more information," indicating an active effort to build a case against Plaintiff long before the allegedly precipitating event.

(b) On July 11, 2023—four months before the November 3 tweet—Forbes was "frantic" to gather documents. When Cobbs could not locate additional files, Forbes asked: "Did you see my frantic email to Dana? Might need some help in the morning."

(c) On September 29, 2023—five weeks before the November 3 tweet—Defendant Wilson filed her second misconduct report in eleven days (IR00000505), requesting "suspension or dismissal" as remedy. Wilson filed this report while simultaneously acknowledging in recorded conversations that Plaintiff's behavior was "not malicious" and "not... on purpose" (¶140). Emergency action was triggered not by the tweet, but by a pre-existing escalation campaign.

(d) On November 4, 2023 (3:50 PM)—37 days before the hearing—Forbes emailed 30+ individuals: "Under further notice, please do not allow Kevin Bass into the Covenant Branch office nor badge him in at any of the hospitals," enforcing exclusion before any adjudication.

(e) Pattern: charges followed speech curtailment within days. After Plaintiff locked his social media accounts in June 2023 and told the institution "I am very serious about succeeding in medical school" (¶106), new misconduct reports appeared within weeks. After Plaintiff told Wilson in mid-September 2023 "I'm gonna be quiet" (¶140), Wilson filed her second misconduct report within days (September 29, 2023). The temporal pattern is consistent: each time Plaintiff curtailed his protected speech, new charges materialized to maintain the adverse trajectory.

56. Korinek Confirmation Bias Warning. On December 8, 2023, TTUHSC's own counselor (Korinek) wrote to administrators (Exhibit TAC-16): "First, I want to say that in my opinion Kevin is not a danger to anyone. I don't believe he ever had any intention of physically harming anyone at TTUHSC." Korinek further warned: "I fear that a confirmation bias may now exist whereby his mistakes are viewed more negatively and his positive behaviors are overlooked or discounted." This internal warning was ignored. Defendants proceeded with the December 11, 2023 hearing despite being advised by their own mental health professional that Plaintiff was not dangerous and that bias was affecting his evaluation.

57. No Mental Health Input on "Threat" Determination. On November 10, 2023, Korinek wrote: "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." Despite Williams's claims of multi-stakeholder review, the mental health professional and her associate had zero input on the "threat" determination used to justify emergency removal. The "threat assessment" process invoked to bypass normal procedures excluded the only professional qualified to assess threat.

58. Grievance-Filing Classified as "Retaliatory Harm." TTUHSC's own Threat Assessment Questionnaire (November 3, 2023; Exhibit TAC-12) asked whether the situation "involve[d] retaliatory harm, discrimination, or harassment." The university answered "Yes"—not because Plaintiff had harmed anyone, but because Plaintiff had "filed numerous grievances against members of the TTUHSC faculty and staff in response to their assessments of his professional behavior." TTUHSC thus officially classified constitutionally protected petitioning

activity as "retaliatory harm" to satisfy a criterion for emergency removal. Plaintiff had asked four different administrators whether filing the Fernandes grievance was appropriate; all four confirmed it was within his rights. No administrator identified any disadvantage to filing. The institution then charged the very act it had authorized as retaliatory conduct. This classification undermines any claim that the removal was based on "independent" non-retaliatory grounds, because the institution's own decision-making process explicitly incorporated protected activity as a justifying factor.

59. Circularity Trap: Grievances as "Context" for the Emergency That Prevented Grievance Resolution. Defendants used Plaintiff's grievances as "context" for the threat assessment (Q8: grievance-filing classified as "retaliatory harm"), but the emergency removal was itself the mechanism that prevented the grievance hearings from ever occurring. Trotter had promised grievances would be "resolved per policy before a scheduled SPPCC meeting" (¶53), but the emergency removal converted pending grievance proceedings into a consolidated disciplinary hearing where grievance context was deferred to the final thirty minutes. The circularity is complete: filing grievances justified the emergency; the emergency eliminated the grievance process; and the unresolved grievances were then cited at hearing as evidence of Plaintiff's disruptive pattern.

60. Wilson Testimony Confirms "Threat" Was Grievance-Filing. At the December 11, 2023 hearing, Defendant Wilson testified under oath that faculty fear was "fear of retaliation"—meaning that Plaintiff would file complaints about them, not that he posed physical danger. (Plaintiff's notes from post-hearing review of the hearing recording.) When the "threat" justifying emergency removal procedures was that a student might exercise his right to petition, the emergency was derived from protected activity itself.

61. Threat Assessment Protocol Flowchart Violated. TTUHSC's own Student Threat Assessment Protocol—a written decision tree governing emergency removals—contains a mandatory decision point: "Is There any Physical or Other Credible Evidence (e.g., Injuries, Witness Statements, Video Surveillance)?" If the answer is no, the protocol directs: "No Security

Hold or Criminal Trespass is Issued." In Plaintiff's case, no injuries existed, no witness statements identified a specific person threatened by Plaintiff, and no video surveillance captured threatening behavior. Williams's own Questionnaire answered "No" to Question 5 (terroristic threats). The protocol's mandatory pathway required the outcome of no security hold and no criminal trespass. TTUHSC imposed both—a security hold and a criminal trespass warning enforced for twelve months. Defendants violated their own written threat assessment protocol to reach a predetermined result.

62. Questionnaire Pattern: Every "Yes" Built on Protected Activity. Williams's completed Interim Suspension Questionnaire (Exhibit TAC-12) answered seven of ten questions affirmatively (Q1-3, 6, 8-10) and three negatively (Q4, Q5, Q7). Each affirmative answer depends on characterizing protected activity as threatening conduct: Q1 cited faculty "concern" from the same officials who were subjects of Plaintiff's grievances; Q3 explicitly cited Plaintiff's "several grievances" and noted "those involved in the processes" felt threatened; Q8 classified grievance-filing as "retaliatory harm"; Q6 recharacterized Plaintiff's exercise of petition rights as "placing the blame for his behavior on others"; and Q10 identified "the post on X" as the "credible evidence." The three "No" answers—Q4 (sexual misconduct), Q5 (terroristic threats), Q7 (no-contact order)—were questions where the facts left no room for a different answer. Defendants' own internal risk assessment instrument thus documents that every justification for emergency removal was built on protected speech and petitioning activity.

62A. Recharacterization of Protected Communications as Threat Evidence. The Threat Assessment Questionnaire's Q1 response justified emergency removal in part by characterizing Plaintiff's communications with administrators as "expressing frustration with the way he perceives he is being treated, adding to the sense of concern among the reporting faculty and staff." The contemporaneous email record contradicts this characterization. In the months before the Threat Assessment, Plaintiff's emails to administrators expressed cooperation and eagerness to improve: he called professionalism coaching a "privilege" (July 28, 2023); told Dr. Cobbs "I always enjoy talking with you" after proactively requesting coaching (July 14, 2023); wrote to

Dr. Nunez "I am very serious about succeeding in medical school" and reported spending 3.5 hours voluntarily addressing faculty concerns (June 14, 2023); and proactively locked his social media accounts. Closer to the Threat Assessment, Plaintiff's communications grew more emotionally distressed—he told his professionalism coach Dr. Erwin "I have no idea what is happening" and "Everything feels purposely opaque" (October 19, 2023), and told Williams "This situation is very not good and very much does not make sense" (August 30, 2023)—but nothing in these emails expressed or implied a threat to anyone. Williams's own response to Plaintiff's most emotional email was: "We have no problems with your tweets. You are free to post whatever you want" (September 2, 2023; Exhibit TAC-4). The administrator who later signed the emergency removal did not treat Plaintiff's communications as threatening when he received them. Even to the extent the Threat Assessment's characterization of "frustration" was accurate, that frustration concerned Plaintiff's exercise of his right to file grievances—the same protected activity classified as "retaliatory harm" in Q8 (¶58). The Threat Assessment Team converted a student's distress about institutional mistreatment and lawful petitioning activity into evidence of threat warranting a criminal trespass warning and a BOLO instructing personnel to "call 911." The professional who had the most sustained and candid contact with Plaintiff during this period—his professionalism coach, Dr. Cheryl Erwin—testified at the December 11, 2023 hearing that she knew Plaintiff's tweet was not a threat. The person best positioned to assess whether Plaintiff's communications reflected genuine danger concluded they did not.

63. TTUHSC selected and retained an outside Hearing Officer—attorney Darren G. Gibson— and delegated day-of-hearing procedural authority to him. Dr. Felix Morales, as Chair of the Student Conduct Board, delegated his procedural duties to Gibson. As implemented, the delegated authority was exercised in a manner that denied Plaintiff effective participation and materially increased the risk of erroneous deprivation.

C. Evidence gating and record access

64. On or about November 9, 2023, TTUHSC—through its Student Conduct Administrator, Dr. David Trotter, and TTUHSC official Dr. Elisabeth Conser—issued notice consolidating multiple matters into a single disciplinary hearing over Plaintiff's objection. The consolidation notice originated from General Counsel Renee Posey, was forwarded to Conser, and then transmitted to Trotter for delivery to Plaintiff—establishing that the hearing structure was designed by TTUHSC's lawyers, not by academic administrators. TTUHSC denied Plaintiff's request for separate hearings; Plaintiff's written requests for separate hearings under Student Handbook § II.F.4.f were never responded to—the Handbook required a written response within three business days. In recorded pre-hearing communications, Dr. Trotter told Plaintiff he could call witnesses; Plaintiff requested that Trotter appear as a witness due to his familiarity with the matter and procedures, but Dr. Trotter later communicated that he could not serve as Plaintiff's witness, citing General Counsel. Trotter was uniquely positioned to testify about the levels of institutional bias against Plaintiff and the ways Trotter had attempted to mitigate them—making his exclusion by General Counsel a suppression of the most informed favorable testimony. Trotter separately acknowledged to Plaintiff on multiple occasions that the abrogation of Plaintiff's right to informal complaint disposition under Student Handbook § II.F.3.c was problematic—but no action was taken because DeToledo, who had final authority, refused to meet with Plaintiff to discuss the issue. The Student Conduct Administrator himself recognized the procedural violation but was overruled from above. During and at the hearing, Hearing Officer Gibson restricted defense witnesses; permitted late or redacted evidence favorable to the administration while excluding comparable defense evidence; and denied Plaintiff's request to present testimony from a qualified evaluator relevant to Plaintiff's disability-related communication needs.

65. In mid-2023, Plaintiff repeatedly requested that TTUHSC identify with reasonable specificity the factual incidents being attributed to him in a student-affairs "professionalism"

matter—i.e., the dates, locations, and conduct said to be at issue— so that he could prepare and respond. Plaintiff raised in writing that the documentation being used contained little or no incident-level detail, and he asked multiple administrators—including Defendants Williams, Cobbs, and Forbes—for specific incidents suitable for inclusion in official documentation.

66. TTUHSC did not provide incident-level notice. Instead, officials provided only vague, category-level descriptions (e.g., generalized descriptions of alleged "comments" or "interactions" without identifying any concrete incident). On July 21, 2023, Defendant Forbes confirmed in writing: "No specifics will be given." TTUHSC nonetheless later invoked Plaintiff's inability to recall the unspecified interactions as a basis to fault Plaintiff and justify adverse conclusions. On November 16, 2023, TTUHSC official Conser told Plaintiff: "These are academic student conduct issues and mistreatment grievance issues responses, all outlined in SOM policy, and the word deposition is not applicable to these procedures. The hearing is academic in nature and not legal." (FERPA Doc 1166.) Plaintiff responded in writing: "I still do not understand the process, given that it will apparently deviate in a major way from anything in the Student Handbook." (FERPA Doc 1166.) Plaintiff's contemporaneous written objection to process deviations defeats any argument that he acquiesced to the hearing format. Despite framing the proceeding as "academic in nature and not legal," Gibson selectively invoked legal authority to restrict Plaintiff's questioning: "from a legal perspective, questions that are problematic... that have evidentiary concerns" (Plaintiff's notes from post-hearing review of the hearing recording). The consequences were entirely legal (dismissal, criminal trespass, BOLO), but the protections were denied as "academic."

67. An internal Appeals Panel later confirmed "a lack of specificity" in the documentation. These defects—vague allegations, opaque procedures, denial of fair notice—also manifested in the later emergency-removal and disciplinary proceedings challenged here.

67A. Three-Complaint Threshold — Double-Counting and Undisclosed Evaluations. Under SOM policy, three "below expectations" ratings in professionalism on clinical assessments triggered automatic referral to the SPPCC. The three OB/GYN evaluations that

generated Plaintiff's referral were filed by Dr. Megan Brown (Assistant OB/GYN Clerkship Director), Madeleine (Brown's nurse practitioner on Labor & Delivery), and Dr. Blann (OB/GYN). Two of the three—Brown's and Madeleine's—concerned the same underlying incidents: Madeleine reported concerns about Plaintiff to Brown, and Brown forwarded those concerns to Forbes (FERPA Doc 1339, June 13, 2023: "I MET WITH MADELEINE, MY NP ON

LTD WHO BROUGHT UP A NUMBER OF SPECIFIC EXAMPLES. I FORWARDED HER CONCERNS TO DR.

ZAVALA AS BELOW AND WANT YOU TO BE AWARE OF THEM AS WELL."). Both Brown and Madeleine then filed separate "below expectations" professionalism evaluations— double-counting a single set of observations to produce two of the three complaints needed to trigger SPPCC. The third evaluation was filed by Dr. Blann after only three hours of direct contact with Plaintiff. Blann rated Patient Care as "Did better than I though [sic] he would"—revealing preconceived negative expectations—while simultaneously rating Professionalism as "I have worries" without identifying any specific incident (¶94). None of the three evaluators communicated any professionalism concern to Plaintiff before filing the formal evaluation.

Separately, Dr. Noelle Zavala (OB/GYN Clerkship Director) sent a detailed complaint about Plaintiff to Forbes on June 8, 2023 (FERPA Doc 1341), describing a delivery-room interaction in unflattering terms. Zavala also rated Plaintiff's professionalism as a "2" on her own evaluation. Neither Brown's email forwarding Madeleine's concerns, Zavala's complaint to Forbes, nor the substance of any evaluation was ever communicated to Plaintiff. He learned of their existence only through FERPA inspection in January-February 2026—nearly three years later.

The consequence was structural. Once the three-complaint threshold was met through double-counting and an evaluation with no underlying incident, the SPPCC was activated. When

Plaintiff's appeal succeeded on grounds of "lack of specificity" (¶68), DeToledo nonetheless imposed automatic triage—ensuring any future complaint would bypass informal resolution and proceed directly to the conduct board (¶68). The three evaluators' complaints thus served as a gateway: they activated a surveillance mechanism that could be sustained indefinitely by subsequent complaints, while the student who was its target was never informed what incidents had triggered it. As Plaintiff's own appeal noted, he "repeatedly requested" that Forbes, Trotter, and Cobbs identify the specific incidents; none did (¶¶65-66). The SPPCC found Plaintiff showed "a concerning lack of insight"—about incidents no one would describe to him. At his SPPCC appeal, Plaintiff articulated the trap: "Either those incidents occurred and they were bad and then I'm going to get discipline for that, or they didn't occur. And if I say that they didn't occur, that's also bad and I get in trouble for saying that they didn't occur. My inability to remember something that didn't occur shouldn't be something that I'm getting disciplined for."

68. SPPCC Appeal Upheld — Then Undermined. On September 7, 2023, DeToledo confirmed the appeals panel "voted to support [Plaintiff's] appeal" citing "lack of specificity in descriptions of the lapse in professionalism." Trotter independently confirmed the basis: he listened to the recordings of the original SPPCC hearing and found that not a single professionalism incident had been cited in the testimony. Despite this, DeToledo imposed ongoing sanctions—automatic triage to the conduct board for any future complaint—and refused Plaintiff's two written requests to meet and explain the decision. The consequence of DeToledo's sanction was structural: by stripping Plaintiff's right to informal complaint disposition under Student Handbook § II.F.3.c, DeToledo ensured that every subsequent complaint—no matter how minor or unsubstantiated—would bypass the Student Conduct Administrator and proceed directly to the conduct board. The volume of complaints that later became the basis for Plaintiff's dismissal reached the board only because this safety valve was removed after a proceeding where zero professionalism incidents had been identified. Had the informal disposition right been preserved, the Student Conduct Administrator (Trotter) could have resolved many of those complaints without a formal hearing—as Trotter himself acknowledged (¶64).

Within eleven days of the appeal, two new evaluations appeared containing unprecedented specificity. Plaintiff identified this pattern in a September 29, 2023 grievance: the new allegations provided "precisely the detail that would fill in the gap" his appeal had exposed.

69. Forbes Drafted and Edited Her Own Hearing Evidence. Document metadata reveals Forbes personally drafted the SPPCC letter used against Plaintiff. An earlier draft (FERPA Doc 0436) lacked a "specific behaviors" section; that section appeared only after Forbes and Cobbs edited the file (FERPA Doc 0438), changing it from a single "event" to plural "events." On August 7, 2023, Forbes emailed Cobbs: "Lauren, please take a swing at this and return as soon as possible. I have had a few people look over it but not sure if anyone other than (Allison, Smaulcon, Dr. Snodgrass and yourself) need to take a glance." (FERPA Doc 1432.) At least five people drafted and reviewed the adverse SPPCC letter used against Plaintiff at the hearing—a collaboratively constructed document presented as an objective institutional assessment. Forbes was also feeding Trotter evaluations before any formal process: on June 26, 2023, she emailed "Just sending a few assessment ahead of our meeting tomorrow" (FERPA Doc 0887)—five months before the tweet.

70. Seven-Person Coordination Group. The SPPCC process was itself a product of coordinated institutional action: a seven-person "coordination group" was activated the same day as the SPPCC warning (August 8, 2023). The "lack of insight" finding targeted the very traits Erwin and Wilson had recognized as disability-related—traits the institution refused to accommodate. Erwin's contemporaneous coaching notes pathologized constitutionally protected commentary as personality defects (FERPA Doc 0083). The coordination group's activation demonstrates that what Defendants characterize as independent academic oversight was, from its inception, an orchestrated institutional response to Plaintiff's protected speech and to characteristics Defendants' own personnel recognized as disability-related.

71. Cobbs Blocked Favorable Evidence. 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.

72. Cobbs "Professionalism Workaround" Blueprint. On or about August 22, 2023, Defendant Cobbs documented the strategy for punishing Plaintiff's protected speech through "professionalism" framing. (FERPA Doc 0124). Internal notes from that date reflect Cobbs stating: "It is not a dispute that he has a right to say whatever he wishes. However as a matter of professionalism he does not have a right to disrupt the learning environment." This explicit acknowledgment of First Amendment protection, followed immediately by a "professionalism" workaround, demonstrates conscious awareness that Plaintiff's speech was constitutionally protected and that "professionalism" was invoked as pretext to circumvent that protection.

73. Suppressed Exculpatory Evidence. Before the December 11, 2023 hearing, TTUHSC's Student Conduct Administrator (Dr. Trotter) specifically requested a performance report from Family Medicine regarding Plaintiff. The report was favorable—Plaintiff was performing well in that rotation. Trotter also polled other Family Medicine faculty about Thomas's evaluation and any other concerns; none corroborated Thomas's account. Trotter specifically asked whether anyone had seen Plaintiff sleeping; they said they had not. Trotter thus had affirmative evidence that Thomas's sleeping characterization was an outlier contradicted by every other Family Medicine observer—and suppressed it. Neither the favorable performance report nor the contradicting faculty responses were presented at the December 11, 2023 hearing. Only adverse evidence was presented; exculpatory evidence was suppressed. Plaintiff could not defend himself with favorable performance evidence that existed within TTUHSC's own records but was withheld from the hearing process.

74. Thomas Evaluation — Mischaracterization After BOLO. Dr. Aaron Thomas's Family Medicine evaluation—completed after the November 4 emergency removal and BOLO—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 also a member of a Christian study group

with TTUHSC official Conser— the same administrator who served as a conduit routing complaints to decision-makers (¶102, ¶105). Plaintiff was a member of the same group until the BOLO was disseminated, at which point Plaintiff was removed from the group's Snapchat communication—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 from their shared religious community.

75. Board of Regents Policy Changes — Consciousness of Liability. In August 2023—while Plaintiff's case was active—the Board of Regents approved emergency policy changes on General Counsel's recommendation: (a) added "which loses legal protection" to the speech-suspension standard; (b) removed the Campus Inclusion Resource Team (which monitored "expressive activities"); (c) added a "legal definition of harassment" requirement; and (d) required "individualized assessments" for involuntary withdrawal. These changes—enacted while prosecuting Plaintiff under the old policies—are consciousness of liability. On September 11, 2023—two months before the tweet and three months before the hearing—TTUHSC separately revised HSC OP 77.14, tightening the SDS accommodation process. Combined with the Board's August 2023 changes and the *Stewart v. TTUHSC* settlement (¶76), this constitutes a trilogy of consciousness-of-liability evidence: three separate policy or legal changes during the same period the institution prosecuted Plaintiff under the prior framework.

76. Stewart v. TTUHSC — Consciousness of Liability. In Stewart v. Texas Tech University Health Sciences Center, No. 5:23-cv-00007-H (N.D. Tex.), a prior student filed suit against the same institution before the same judge (Hendrix, J.) raising due process and related claims arising from TTUHSC's disciplinary procedures. TTUHSC settled Stewart during 2025 on terms that included Defendant Rice-Spearman signing the settlement agreement in her individual capacity—an AG-approved individual-capacity release for the President of the university. That a sitting university president signed an individual-capacity release in a student disciplinary due process case— before the same judge who will adjudicate Plaintiff's case—is

consciousness of liability. Defendants knew their disciplinary procedures exposed individual officials to personal liability because they had just paid to resolve that exposure.

77. Pickett v. TTUHSC — Prior Fifth Circuit Warning. In *Pickett v. Texas Tech University Health Sciences Center*, 37 F.4th 1013 (5th Cir. 2022), the Fifth Circuit warned these same defendants: "the defendants must take greater care in the future so that their lack of diligence is not mistaken for lack of candor." *Id.* at 1023 n.7. That *Pickett* also held *Ewing* academic deference does not apply to disability-based dismissals. *Id.* at 1031. TTUHSC received a published, binding warning from the Fifth Circuit about its litigation conduct—and proceeded to repeat the pattern in Plaintiff's case.

78. TTUHSC's Own Policies Expressly Protect the Speech Defendants Punished. The 2022-2023 Student Handbook (in effect during all relevant events) states in 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." Part VII.A.3 provides: "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"—meaning free expression provisions trump the professionalism conduct code. Part II.D.5.f of the Code of Conduct carves out expression entirely: "Actions involving freedom of expression are covered in Parts VII and VIII of this Handbook and governed by O.P. 61.07"—not under the misconduct provisions used against Plaintiff. Defendants charged Plaintiff under general misconduct provisions that, by the Handbook's own terms, do not govern expressive activity.

79. Additional System-Level Protections Violated. TTUS Regulation 07.04 §9 provides: "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." Plaintiff's tweet falls into none of the narrow exceptions (defamation, unlawful harassment, incitement, obscenity, or threats). TTUS Regulation 07.10 §5.e prohibits retaliation against anyone who opposes a discriminatory practice or participates in a complaint. TTUS Regulation 07.11 guarantees "a right to reasonable accommodations," and HSC OP 77.14 (revised September 11, 2023) establishes an

accommodation process—registration, documentation review, interactive meeting, and Letter of Accommodation—that was never completed. TTUS Regulation 07.11 §7 further provides: "The University will maintain the confidentiality of all medical records concerning employees and students"—yet the Board discussed Plaintiff's disability in the hearing, and the Board's own determination letter referenced Plaintiff's diagnoses. TTUS Regulation 07.10 §5.c establishes the harassment threshold for student conduct: treatment must be "sufficiently severe, pervasive, and objectively offensive" to constitute actionable harassment. Plaintiff's philosophical tweet about mortality—naming no person, threatening no violence, posted from a personal account—cannot meet this standard under Defendants' own policy, as Defendants' own officials confirmed. See Exhibit TAC-15 (Student Handbook excerpts).

80. Hearing Officer Conflict Violated TTUHSC's Own Policy. HSC OP 77.13 §5.d(1) requires that 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." Gibson had $393,000+ in active OCC contracts with TTUHSC spanning 2020-2027. Additionally, Handbook Definition 23 (Student Conduct Board) provides: "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." Both TTUHSC's hearing policy and its Student Conduct Board definition independently required Gibson's disqualification.

81. Board of Regents Finality and Classification. TTUS Regents Rules Chapter 05 §05.05 provides: "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 pertaining to prospective, current, or former students." This provision treats "disciplinary measures" and "dismissal" as categories separate from "academic progress," confirming the disciplinary character of the proceedings against Plaintiff and defeating any claim of academic deference.

82. Board's Own "Non-Academic Dismissal" Classification. The Board's letter (Defendants' Exhibit 8) uses "Non-Academic Dismissal" three times, citing Code of Conduct Part II.G.2.g—never academic standards. A word-count analysis: 87 disciplinary references ("misconduct" 15x, "Code of Conduct" 26x, "violated" 10x, "Non-Academic Dismissal" 3x) versus zero academic-performance references (no GPA, board scores, or course grades). Handbook Part II.F is titled "DISCIPLINARY PROCEDURES," with Part II.F.1 stating "these proceedings are not intended for grading and promotions issues."

83. TTUHSC controlled the hearing recording. Upon Plaintiff's review of the institutional hearing recording during education-record inspection, the audio record displayed apparent gaps. Access to the record was delayed and limited to in-person audio review. Plaintiff seeks preservation and production of a complete, continuous record and associated metadata sufficient to authenticate the recording.

D. "Direct threat" framing without individualized assessment

84. TTUHSC invoked "threat" framing connected to Plaintiff's November 3, 2023 social-media post, which did not name TTUHSC, identify any person, or call for violence. TTUHSC's threat-assessment paperwork nonetheless characterized the post as "threatening" or a "potential threat," while indicating no identified weapon, plan, target, or criminal charge.

85. Same-Day Institutional Engagement. On November 3, 2023—the same day as the tweet— Plaintiff submitted a formal appeal of his pediatrics clinical assessment through institutional channels. (FERPA Doc 1132.) Plaintiff was actively pursuing remedies through the processes TTUHSC provided, on the very day Defendants later cited as the triggering event for emergency removal.

86. Verbatim tweet. Plaintiff's November 3, 2023 post stated (verbatim): "Each and every one of us is going to be dead someday very, very soon... why most people put so much stock into what other people think about them is completely beyond me. These other people, too, are going to be dead very, very soon." (Exhibit TAC-1.)

87. In a recorded November 5, 2023 meeting, Williams told Plaintiff he had never sensed "threat or danger," characterized the tweet as "free speech," and described the response as "pretty extreme." Williams stated Plaintiff's complaints could "very quickly turn into a burgeoning sense of people feeling threatened"—linking grievance-filing to threat framing. When asked why no one spoke with Plaintiff before removing him, Williams responded: "That's just not the way the process works" [01:10:29]—confirming that TTUHSC's process did not include hearing from the accused student before taking action.

88. Multi-Defendant Coordination. Williams confirmed Cobbs was "involved in the Threat Assessment meeting on Zoom when they made the decision" (Nov. 5, 2023 recording)—establishing multi-defendant coordination. Williams also stated: "You're right. I am in a position of power" (id. at [01:48:13]).

89. Wildfire Spread Among Students. FERPA-inspected records reveal that Forbes's email triggered immediate panic across the student body. By 7:55 PM on November 4, 2023—the same day as the emergency removal—a fellow medical student (Mendoza) had already compiled the BOLO flyer, the November 3 tweet, and the Forbes email screenshot into a single email and forwarded all three items to Defendants Cobbs, Williams, and DeToledo (and Islam). (FERPA Doc 1499.) Forbes's characterization of Plaintiff spread so rapidly that a student—not an administrator—assembled and delivered the package to decision-makers within hours.

90. On November 4, 2023, Defendant Williams issued an Emergency Removal letter citing provisions of the TTUHSC Code of Student Conduct and referencing consultation with the Threat Assessment Team. The Emergency Removal barred Plaintiff from attending classes or clerkship rotations (in-person or virtual), from using university services or resources, and from entering campus/property pending the investigative process. Defendants imposed emergency removal/trespass measures and disseminated exclusion directives without conducting an individualized, evidence-based assessment grounded in objective evidence and without considering whether reasonable modifications could mitigate any risk.

91. Defendants' conduct was inconsistent with genuine safety concern: administrators continued meeting Plaintiff in ordinary settings; no lockdown, evacuation, or emergency protocols were activated; and the CTW lapsed without any finding that Plaintiff was "no longer a threat." At the December 11, 2023 hearing itself, Plaintiff carried a backpack into the building. No one searched the backpack, searched Plaintiff's person, conducted a pat-down, or used a scanner. No security guard or police officer escorted Plaintiff. No security guard or police officer was visible during the fourteen-hour proceeding or during breaks. No participant appeared anxious or frightened by Plaintiff's presence—including an official who had claimed to be frightened by Plaintiff's tweet, who attended in person. If Defendants genuinely believed Plaintiff was dangerous enough to warrant a BOLO instructing personnel to "call 911," they would have searched him before a fourteen-hour hearing. They did not. These facts support pretext.

E. Protected speech and retaliation context

92. Plaintiff publicly criticized COVID-19 policies and filed grievances and complaints about mistreatment and process. Administrators urged Plaintiff to curtail protected online speech. Plaintiff alleges that adverse actions escalated in close temporal proximity to protected speech and grievance activity and were accompanied by communications reflecting hostility to Plaintiff's speech and to his insistence on protected grievance procedures.

93. One-Sided Grievance Investigations. Plaintiff filed seven formal mistreatment grievances under SOM OP 40.05. In every investigation, the respondent was interviewed along with multiple additional witnesses — as many as four or five people per investigation. The Forbes investigation involved five interviewees (Forbes plus three SPPCC voting members plus the psychiatry clerkship director); the Fernandes investigation involved four (Fernandes, the Title IX Coordinator, Trotter, and a second resident); the Jensen investigation involved four (Jensen plus three additional pediatrics faculty). Yet Plaintiff was never interviewed for any of the seven. The grievance process systematically collected evidence from every available source except the

person who filed the grievance. When Plaintiff identified one investigator conflict — objecting to the assignment of Nunez 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 structurally conflicted investigators regardless. The only grievance found in Plaintiff's favor was against a non-faculty staff member (Kim Johnson, Associate Director, Office of Student Affairs); all six grievances against faculty and administrators were denied—reviewed and rejected by four different administrators (Drs. Simon Williams, Thomas Tenner, J. Edward Bates, and Allan Haynes), each of whom concluded independently that there was "no evidence" of misconduct or that Plaintiff's grievances themselves violated policy. Plaintiff's overall grievance record was 1-for-7; the sole favorable outcome involved a non-faculty staff member. The 0-for-6 record against faculty and administrators — across four separate reviewers — coupled with Williams's dual role in both grievance review and emergency-removal decisions, is probative of institutional coordination rather than neutral evaluation. Six of the seven grievances proceeded to the consolidated hearing on December 11, 2023.

94. No Contemporaneous Notice Before Formal Complaints. Across nearly every professionalism complaint, the complainant gave Plaintiff positive or neutral feedback during the rotation and filed a formal complaint without ever raising the concern with Plaintiff first. Fernandes told Plaintiff he could "say anything" to her; Jensen told Plaintiff he was doing well and, when confronted at the hearing about concerns that appeared only in the written evaluation, admitted she never raised them: "I didn't talk to you about that"; Walker never raised any concern about physical boundaries, maintained an amiable demeanor throughout the rotation, and even told Plaintiff words to the effect of "ignore the haters"; Thomas never mentioned sleeping; Nunez accepted Plaintiff's feedback on the patient care issue at the time; and Wilson told Plaintiff he was "okay" (¶140). Dr. Blann (OB/GYN), whose evaluation fed the original SPPCC process, never raised concerns with Plaintiff during the rotation. After only three hours of contact, Blann wrote: "Did better than I though [sic] he would" for Patient Care—revealing

preconceived negative expectations before the rotation began— while simultaneously rating Professionalism as "I have worries" and concluding "Not sure that he is suited to clinical medicine." (MedHub evaluation, completed June 18, 2023.) Of the complainants and evaluators whose assessments were used against Plaintiff, only Dr. Eboh provided any contemporaneous feedback. The pattern—positive feedback followed by formal complaints without warning—is consistent with complaints generated to build an institutional file rather than to address genuine contemporaneous concerns. If the behaviors were serious enough to warrant formal misconduct reports, they were serious enough to warrant a contemporaneous conversation with the student.

95. Walker Evaluation Rebuttal (Pediatrics, 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 at the December 11 hearing that this was "brought up by the nursing staff." When recounting the allegation at the hearing, Walker initially stated Plaintiff was "accompanied" before correcting herself to "unaccompanied with a baby in a bassinet." Walker filed this evaluation on September 18, 2023 — the same day Defendant Wilson filed Misconduct Report #2 (¶141).

95A. Walker Surprise Allegation at Hearing. At the December 11 hearing, Walker testified to an allegation that appeared nowhere in her September 18 written evaluation, based solely on secondhand reporting from a colleague (Dr. Phillips) who never testified and was never subject to questioning by Plaintiff or the Board. Walker admitted she did not personally witness the alleged conduct. Plaintiff had no prior notice of this allegation and no opportunity to prepare a response — because it did not exist in any document provided before the hearing. Despite this, the Board adopted the allegation in its written Findings as a basis for upholding Walker's evaluation (TTUHSC-0000054, p. 10). The Board thus formally relied on a secondhand allegation from a non-testifying witness, introduced for the first time at the hearing, that the student had no notice of and no opportunity to rebut.

96. Eboh Evaluation Rebuttal (Pediatrics, during rotation). Early in the rotation, before any concerns arose, Eboh volunteered a personal account of how her own medical career had

been derailed. During the rotation itself, Eboh's demeanor toward Plaintiff was warm—she told him "you remind me of my son." Eboh told Plaintiff he could focus on the patient he was most interested in—a sexually abused adolescent whose psychiatric needs matched Plaintiff's career interest—and congratulated him for eliciting the patient's trauma history. The "absences" and "time management" deficiencies Eboh's written evaluation cited trace directly to time Plaintiff spent with that patient, with Eboh's own permission. Yet her written evaluation adopted a markedly different tone. 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—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."

97. Nunez Evaluation Rebuttal (Pediatrics, late September 2023). Nunez's evaluation cited Plaintiff for "not follow[ing] instructions" by contacting Child Protective Services 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 Dr. Haynes — a urologist, not Pediatrics faculty — and approved by Kunkov, the Pediatrics department chair, meaning the department investigated itself. Plaintiff was never interviewed. Nunez later stated the evaluation had "nothing to do with social media" — a notable unprompted denial.

98. Jensen Evaluation Rebuttal (Pediatrics, October 27, 2023). Jensen was a PGY-2 resident assigned to a different team from Plaintiff. Jensen never observed Plaintiff present to attendings, interview patients, or perform history and physical examinations — yet evaluated all of these. Jensen's evaluation cross-references 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 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 Jensen documented the resulting absences as professional deficiency.

99. Vo Evaluation Rebuttal (Psychiatry, August 1, 2023). Vo's sole professionalism notation — "needs to understand professional boundaries" — traces entirely to the disputed Fernandes situation (¶101). If the Fernandes complaint falls, Vo's evaluation falls with it.

100. Aggregate Cross-Contamination Pattern. Five of the six evaluations originated from the Pediatrics department, where Defendant Forbes controlled the campus and Defendant Wilson — whose appointment as Assistant Vice Dean Forbes announced in the same email celebrating Plaintiff's dismissal (¶121) — oversaw the department. The temporal clustering is notable: Walker and Wilson filed on the same day (September 18); Eboh discussed evaluations with Wilson (September 21); Jensen cross-referenced Nunez's evaluation. The pattern is not uniform poor performance — it tracks Wilson's administrative reach. Wilson herself confirmed the timeline: at the midpoint of Plaintiff's Pediatrics clerkship, she told Plaintiff that "the only one that you've got thus far is from Dr. Walker. So I just checked and there was nothing else in from anybody." Wilson also relayed that another attending, Dr. Ebo, planned to submit a positive evaluation: "She just said I gave him good feedback, and that's what I'm gonna put in the evaluation." At midpoint, the case against Plaintiff consisted of a single evaluation — yet by the hearing two months later, the institution had assembled six "below expectations" evaluations, a patient satisfaction complaint, and two misconduct complaints. The acceleration from one to many tracks Wilson's administrative involvement, not Plaintiff's clinical performance. Dr. Autum DeSoto, the outpatient Pediatrics physician outside Wilson's sphere who spent approximately three times more contact hours with Plaintiff than any other Pediatrics evaluator, wrote a letter of recommendation stating Plaintiff "maintained humility and showed a great desire to learn" 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." 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. Every adverse Pediatrics evaluation came from inpatient settings where Wilson had direct control or connections; the evaluator with the most contact time — on outpatient, outside that sphere — recommended Plaintiff for residency. When the institution creates the conditions it then cites as grounds — removing a student from clinical work and then citing his resulting absences — those grounds are downstream products of the retaliatory campaign, not independent of it.

101. Complaint #1 — Fernandes: One-Sided Investigation. The complainant's formal report omitted context documented in the complainant's own text messages and contradicted by contemporaneous evidence. The complainant did not raise any concern with Plaintiff during the rotation. The psychiatry clerkship director, Dr. Amor Wail, told Plaintiff that the complainant should have addressed any concerns with Plaintiff directly before escalating. The complainant's formal report resulted in one negative notation from a rotation that otherwise produced uniformly excellent evaluations. (Nov. 30, 2023 hearing request rationale; text message chain; psychiatry clerkship evaluations.)

102. Administrative Origination of Complaint #1. The complainant did not file the formal report herself. TTUHSC official Conser filed it as a "Title IX Mandatory Reporter" on August 1, 2023. (Defendants' own exhibits contradict each other on this point: Exhibit 1 identifies "Fernandez" as the filer; Exhibit 2 identifies "Conser as Title IX Mandatory Reporter.") The investigation report confirms the complaint was filed "under advisement of SOM student affairs"—the same office (Cobbs, Trotter, Conser) that was simultaneously building the professionalism case against Plaintiff. Rather than addressing the specific interaction, the complaint catalogued every interaction over the entire ten-day rotation, characterized a novelty coaster as a safety threat, and prescribed career consequences—a scope and specificity consistent with institutional direction rather than an organic report of a single incident. The administrators who advised the complainant to file are the same administrators who later shut down investigator Bates's attempts to hear Plaintiff's side, and the same administrators who consolidated this complaint with three others into a single hearing that resulted in Plaintiff's dismissal. (Bates

Investigation Report, Nov. 7, 2023; Title IX Report, Aug. 1, 2023.) FERPA records further reveal that Title IX Coordinator Collins wrote: "If she does not want to pursue a formal Title IX complaint, my plan is to turn it over to you for conduct adjudication." (FERPA Doc 199.) When the complainant did not want the protections of the Title IX process, the institution redirected the matter into a conduct process it controlled—forum-shopping for a forum with fewer procedural safeguards. Under the 2020 Title IX regulations then in effect, Plaintiff would have been entitled to a live hearing with cross-examination conducted by an advisor, equal access to evidence, and a trained impartial decision-maker. Instead, the conduct process provided an advisor "not permitted to speak," a hearing officer who banned all objections, and a 15-to-0 witness asymmetry. By contrast, when Plaintiff emailed Collins on September 19, 2023 requesting a meeting to discuss the Fernandes complaint, Collins declined to meet — replying only: "I am not investigating a complaint by Caroline Fernandes under Title IX." When Plaintiff then filed his own Title IX report, Collins declined to investigate, writing on October 4, 2023: "The Title IX Office will not be participating in the adjudication process at this time" — and forwarded Plaintiff's complaint directly to Defendant Trotter, the same Student Conduct Administrator building the disciplinary case against Plaintiff. (Email, Collins to Bass, CC: Trotter, Oct. 4, 2023.)

103. Cross-Investigation Contamination. Investigator J. Edward Bates conducted multiple grievance investigations involving Plaintiff but never contacted Plaintiff for any of them. In a separate pediatrics-related investigation, Bates requested underlying clerkship evaluations and expressed interest in interviewing Plaintiff. After communicating with Defendants Cobbs and Conser, Bates did not receive the requested evaluations and no interview occurred. Internal records state: "Both Cobbs and Conser shutdown Bates on pulling the other evals." (FERPA Doc 1186; TTUHSC Doc. No. 1189.) Bates additionally had a structural conflict of interest: his institutional role included advocacy for resident physicians, yet he was investigating a complaint filed by a resident against a student. Having been redirected to Cobbs and Conser in one investigation—and having ceased his own fact-finding after that redirection—Bates then issued

reports across multiple complaints without ever hearing from Plaintiff. In the Fernandes matter, Bates characterized Plaintiff's counter-grievance as potential "retaliation" under TTUS Regulation 07.06—a conclusion reached without ever contacting Plaintiff, despite TTUHSC possessing Plaintiff's detailed contemporary account documenting the complainant's own initiating behavior. Plaintiff had previously submitted a detailed written response demonstrating that the counter-grievance was not retaliation, that he had consulted Conser, Trotter, Perrin, Erwin, and the Title IX Coordinator before filing, and that none warned it could be characterized as retaliation. Bates never contacted Plaintiff before or after forming his opinion. (FERPA Doc. Nos. 1139-1140; Nov. 30, 2023 hearing request rationale.)

104. The pattern raises the inference that the same dynamic—investigator interest in hearing from Plaintiff, followed by administrative foreclosure—occurred across all seven grievance investigations, each of which produced findings favorable to the institution without Plaintiff's input.

105. Jensen Complaint — Administrative Direction and Conduit Pattern. FERPA records reveal that the Jensen complaints originated through administrative direction. Jensen forwarded to Conser "notes I typed up during the resident development session," attached as "Covenant Students.docx." (FERPA Doc 1124.) During the December 11, 2023 hearing, Jensen testified that Letha McGraw—the pediatrics clerkship coordinator—told her to write these notes. Conser then forwarded the notes to Defendant Wilson. The chain— clerkship coordinator directs faculty member to memorialize complaints, faculty member forwards to administrator Conser, Conser forwards to decision-maker Wilson—demonstrates that Conser served as a conduit routing directed complaints to the officials building the case for Plaintiff's dismissal. This parallels the Complaint #1 origination pattern (¶102): administrators did not passively receive complaints but actively directed their creation and controlled their routing through institutional channels.

106. Documented Chilling Effect. On June 14, 2023—five months before the November 3 tweet—Plaintiff preemptively locked his social media accounts and notified the institution: "I locked my social media accounts if that is any concern. I am very serious about succeeding in

medical school." Nunez responded on June 15, 2023: "I want to reassure you this meeting has nothing to do with your social media"—while CC'ing Defendants Williams and Forbes, who both knew Plaintiff's social media was the concern (Williams had written "obviously protected speech" four months earlier, FERPA Doc 953). The institution concealed the true basis for its scrutiny while two named Defendants received a denial they knew was false. During coaching, the institution explicitly demanded Plaintiff cease social media for two weeks. Plaintiff's contemporaneous recognition that this was "a coercive request" is documented in the institution's own records. In mid-September 2023, Plaintiff told Defendant Wilson in a recorded conversation: "I'm gonna be quiet. A lot more quiet than I've been... I feel antisocial and I hate it." Wilson heard Plaintiff describe self-censorship caused by the complaint pipeline she helped operate—and continued filing reports. On October 19, 2023—fifteen days before the tweet—Plaintiff emailed Dr. Erwin: "And you mention how people are reading my tweets to establish whether I meet LCME standards which means they are being saved as potential ammunition at some point." On November 21, 2023, Plaintiff told administrators Cobbs and Trotter that he "felt so unsafe" and offered to lock his social media accounts entirely in exchange for written assurances that the institution would not continue retaliating against him. The administrators expressed empathy but provided zero written commitments or safety assurances. Plaintiff's public-concern speech was itself the object of Defendants' retaliation (¶¶107, 133, 134). The severity of the retaliation was such that Plaintiff was willing to surrender that speech entirely — yet Defendants refused even that concession. Each prior act of self-censorship had failed to mitigate the adverse trajectory — new charges materialized regardless (¶55(e)). Throughout this period, Plaintiff's social media overwhelmingly continued to address matters of public concern — public health policy, COVID-19, and related topics — rather than the institutional dispute, despite Plaintiff's approximately 84,000-follower audience and ongoing viral reach. Defendants were retaliating against public-concern speech that did not target the institution.

107. Speech-to-Discipline Nexus. Multiple officials who participated in Plaintiff's disciplinary process had separately documented their awareness of and objections to his social

media activity. Williams wrote: "It is obviously protected speech but also quite concerning in the way he appears to speak for the medical community. We need to discuss an appropriate response." (Bates #953, Feb. 1, 2023.) Nine months later, he signed the emergency removal. Berk wrote of "problems with him on Twitter before... same free speech issues" (Bates #1004). Cobbs wrote: "It is not a dispute that he has a right to say whatever he wishes" — then participated in the Threat Assessment meeting where the removal decision was made. Forbes directed recipients to "check his Twitter," then celebrated the dismissal. Islam was copied on Berk's tweet-specific emails and the May 2023 professionalism strategy meeting, then represented the School of Medicine at the December 11 dismissal hearing, where she urged dismissal to protect "the reputation of our university." In April 2023—seven months before the tweet— Morales forwarded external complaints about Plaintiff's social media to Cobbs, Williams, Conser, and Trotter. Trotter responded: "Thanks for sending these. If you get any more, please forward them on. I will help collect some more information." (Bates pp. 33-34, Apr. 26, 2023.) The officials who monitored and disapproved of Plaintiff's speech are the same officials who removed him.

108. General Counsel Concession. On November 16, 2023, General Counsel Posey stated that the removal was "prompted by the Social Media post" but "NOT accomplished under Chapter 51" of the Texas Education Code. TTUHSC's own lawyer thus conceded speech prompted the removal while acknowledging the institution bypassed Chapter 51's hearing requirement.

109. Pre-Existing Speech Policing. Monitoring of Plaintiff's social media began no later than December 2021, when fellow student Kopel directed: "You should take Joe Rogan off your twitter." By April 2023, Plaintiff's PhD advisor was forwarding external viewpoint complaints targeting Plaintiff's "anti-vaxx, anti-Covid" speech and demanding Plaintiff "stop this charade" because he was "hurting others." Combined with the August 2020 threat-assessment arrangement (¶133) and February 2023 "obviously protected speech" emails (¶134), this establishes a multi-year pattern of regulating protected speech beginning three years before emergency removal.

110. Administration Instructed Faculty Not to Speak Positively About Plaintiff. On March 17, 2023—eight months before the November 3, 2023 tweet—Plaintiff's PhD advisor reported by email that he had been "constantly told" by SOM and GSBS administration that he "should not 'whitewash'" when discussing Plaintiff. The word "constantly" indicates a standing, repeated instruction. The word "whitewash" presupposes the advisor had been speaking favorably—and was told to stop. This reveals institutional animus predating and independent of any tweet.

111. Cobbs Mobilization on Speech (May 2023). On May 22, 2023—five and a half months before the November 3 tweet—a classmate emailed a TTUHSC administrator: "Kevin Bass... has been making controversies in the realm of MedTwitter... he has a following of about 84,000 people and some of his tweets have caught the attention of residency programs' faculty members." At 3:51 PM the same day, Defendant Cobbs forwarded the email to then- Dean Berk and Defendant Williams with a single directive: "Need to discuss..." On May 23, 2023, Berk emailed Williams, Cobbs, and Islam: "At our meeting can we discuss Kevin Bass and review our guidelines on professionalism... also what clerkship he is on." The institution's senior administrators convened to discuss a student's Twitter activity and determine his current clinical assignment—five months before the tweet they later cited as the emergency.

112. Emergency Removal Based Solely on Tweet. The Associate Provost's written determination (November 10, 2023) stated "[t]he credible evidence included the November 3, 2023 post on X"—confirming the tweet was the sole "credible evidence." The determination characterized Plaintiff's conduct as "threats against another student" yet identified no specific student, and characterized protected speech as "retaliatory harm, discrimination, or harassment." A single social media post was the only evidence for emergency action. Moreover, the Board's own determination letter, in its finding on the tweet (Complaint #4), stated that Plaintiff "at the time, he had filed five of his six grievances against various individuals at the medical school in an attempt to defend himself"—treating Plaintiff's constitutionally protected petitioning activity as context for the tweet's dangerousness. The Board did not merely punish the tweet; it used

Plaintiff's exercise of his right to petition as evidence that the tweet was threatening. The phrase "in an attempt to defend himself" recharacterized legitimate grievance-filing as tactical maneuvering, treating Plaintiff's self-advocacy as evidence of a threatening disposition rather than as the constitutionally protected activity it was.

113. General Counsel Confirmed Tweet as Sole Cause. On November 16, 2023, General Counsel Posey stated: "The outcome of the tweet and the perceived threat of that tweet is the reason he is not allowed on campus right now" and "We haven't received a specific complaint on that"—a binding institutional admission that Plaintiff was banned for speech that was not even the subject of a formal complaint.

114. Plaintiff Offered Voluntary Restrictions — Three Times, All Ignored. On September 19, 2023—six weeks before the tweet—Plaintiff expressed willingness to take a leave of absence. (FERPA Doc 221.) On November 7, 2023—three days after the emergency removal—Plaintiff submitted a written appeal stating: "I can extend my commitment to professionalism to social media. . . . Therefore, as long as I am in medical school, I will ensure misinterpretations are impossible." The same letter stated: "I am open to meeting or talking with anyone who has a problem with me." On November 21, 2023—twenty days before the hearing—Plaintiff told Defendants Cobbs and Trotter directly, in a recorded meeting: "I want to be a doctor by any means"; "I know social media has played a role in this"; "maybe we could think about maybe me locking my account"; "I'm certainly willing to work on my part"; "My most important goal isn't to be like an influencer or famous or anything. It's really not. I would give up a lot, a huge amount, just so that I could be a doctor." Cobbs acknowledged Plaintiff was "searching for pathways to move yourself forward and being on a complex journey." Trotter responded: "Your words are not falling on deaf ears." TTUHSC proceeded to the dismissal hearing without engaging with any of these alternatives. In his January 4, 2024 written appeal to Vice Provost Kruse, Plaintiff again proposed: transfer to the Amarillo or Odessa campus, a leave of absence, ASD-specialist mental health support, and implementation of the accommodations outlined in his neuropsychological evaluation. Kruse rejected the appeal on January 11, 2024. If Defendants'

concern was genuinely campus safety, Plaintiff's repeated, voluntary surrender of speech rights and physical separation would have fully addressed it. Plaintiff made these offers four times over three months—and each time TTUHSC either ignored the offer or rejected it without explanation. The failure to engage with any less restrictive alternative demonstrates that Defendants' objective was not safety but punishment of the speaker.

F. Threat-imputing publications; transcript status publication

115. During the emergency-removal period, Plaintiff obtained a digital photo of a printed "BOLO" flyer bearing his photograph, dated November 4, 2023, and instructing recipients to keep the flyer secured and not to post it publicly. The flyer stated that Plaintiff, while currently suspended, had his right to be on the premises revoked, and it instructed that if Plaintiff was seen on Covenant Properties recipients should contact security immediately (and call 911 for a life-or-death situation). (Exhibit TAC-2.) Plaintiff alleges it was distributed to non-TTUHSC personnel at clinical affiliates or related sites and conveyed the stigmatizing implication that he was a safety threat.

116. Third-Party BOLO Dissemination to UMC Hospitals. (FERPA Doc 1057). During FERPA review, Plaintiff discovered that the BOLO flyer and exclusion directives were disseminated beyond TTUHSC to University Medical Center (UMC) and other clinical affiliates. Internal communications reflect that a BOLO recipient texted a colleague who works at UMC showing "a poster saying that if anyone sees Kevin Bass at UMC to contact security immediately." This third-party dissemination to non-TTUHSC facilities demonstrates publication beyond internal need-to-know channels and extends the stigmatizing "dangerousness" implication to the regional medical community.

117. Specific BOLO Language (Verbatim). The November 4, 2023 BOLO stated: "Kevin Bass has been a TTUHSC Medical Student who is currently suspended. Bass has made threatening statements online"; "If the above person is seen on any Covenant Properties, please call Security ... Immediately"; "If the situation is a life-or-death situation, call 911." Instructions

to keep the flyer "in a secure notebook" and "not post on a board" reflect consciousness that the content was inflammatory. (See Exhibit TAC-2.) The "threatening statements" characterization is false per Williams ("never sensed threat") and Fell ("Post? None. Nothing.").

118. On November 4, 2023, Defendant Forbes sent an email to more than 30 recipients, including Covenant Branch campus personnel and gatekeepers, directing recipients not to allow Plaintiff into the Covenant Branch office or badge him in at hospitals pending further notice. Plaintiff alleges the dissemination extended beyond TTUHSC to non-TTUHSC affiliate personnel and conveyed a threat-imputing exclusion directive.

119. Forbes Deliberate Maintenance of Threat Narrative. On November 5, 2023, Forbes emailed students: "While no one can predict how an individual will behave, the school and Covenant are fully up to speed and have taken all necessary safety precautions that can be done at this time. If the situation becomes volatile or we are made aware of a greater security risk, trust me, I will reach out to you all." This language—"no one can predict," "volatile," "greater security risk"—had no factual basis: no threat assessment had found Plaintiff dangerous, no criminal charge had been filed, and Forbes herself had already acknowledged the concern was career-based, not physical (¶137). The email worked. On November 6, 2023, a student responded: "Today walking into the hospital, I couldn't help but notice how little security there is. It would be all too easy for someone without an ID badge to walk in... We are hearing worrisome rumors in our various clinical locations... I would feel much better about staying home for a few days until measures are taken to ensure our safety, like actual security posted at hospital entrances." Forbes did not correct the record. Instead, on November 7, she forwarded the email to Williams and DeToledo: "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." DeToledo then escalated to the President and Provost. Forbes created the fear, then used the students' panicked response as evidence of the fear she had created. Forbes maintained this information asymmetry deliberately: by November 5, Forbes had access to the Threat Assessment Questionnaire (Williams checked "No" on terroristic threats), and by December 6, the neuropsychological evaluation concluded

Plaintiff was "not indicative of... violence" (Exhibit 7). Forbes never corrected the record with students. She had the information that would have dispelled fear and chose to withhold it—preserving the false narrative she had created.

120. During in-person education-record inspection sessions held January 5-8, 2026, Plaintiff reviewed internal TTUHSC communications reflecting third-party dissemination of exclusion directives tied to social-media posts and trespass measures. In one such communication, J. Edward Bates wrote to a grievance respondent: "He has been removed from all TTUHSC and affiliated clinical sites under criminal trespass. This is due to recent posts on social media. There is no threat to you specifically, but I wanted to let you know." (FERPA Doc 1143). Bates instructed the recipient: "Please do not forward this email." Bates's own email establishes the cause was speech ("due to recent posts on social media"), that Plaintiff posed no specific threat, and that the information was disseminated to third parties with instructions to conceal it. Plaintiff pleads these communications solely as evidence of publication and continuing harm.

121. After the disciplinary proceeding, on January 7, 2024, Defendant Forbes sent a mass broadcast email to medical-student class distribution lists and copied Defendant Wilson. In that email, Forbes wrote: "We are one student lighter than last week, and I hope we can all breathe a sigh of relief," and directed recipients to "just check his Twitter." (Exhibit TAC-3.) In that 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 is significant: Wilson was the Pediatrics clerkship director whose department generated five of the six professionalism evaluations used against Plaintiff (¶100); Wilson filed two of those complaints at Forbes's direction, then designated Forbes as a "victim" in the reports (¶141); Wilson served as one of the Board's two most relied-upon witnesses at the hearing (¶142); and Wilson claimed to feel threatened by Plaintiff's speech (¶140). Forbes announcing Wilson's promotion in the same email celebrating Plaintiff's dismissal linked Wilson's career advancement to the outcome Wilson helped produce—telegraphing the reward structure in a broadcast to

approximately two hundred students. Forbes then issued an email recall request for the broadcast, demonstrating consciousness that the publication was improper. Plaintiff alleges this message publicly stigmatized him, reflected retaliatory animus, and revealed the institutional incentive structure connecting complaint generation to career advancement.

122. Aggregate Dissemination Scope. Defendants' publications reached 200+ recipients through at least six channels: Forbes's Covenant email (¶118), the BOLO flyer (¶115), Bates's "due to social media" emails (¶120), Forbes's class-wide broadcast (¶121), the CTW enforced by TTU Police (¶127), and ongoing Parchment transcript verifications (¶124).

123. External Coordination and FERPA Violation. Within five days of the non-public Board determination (December 27, 2023; See Exhibit TAC-13), an external individual announced on Discord: "we did it, Kevin Bass' medical committee voted to expel him." The procedural phrasing mirrors internal TTUHSC language, establishing that confidential information was leaked to external actors who considered themselves participants in Plaintiff's removal.

124. On October 3, 2025, TTUHSC's Registrar notified Plaintiff that official transcript requests are fulfilled through Parchment. On October 16, 2025, TTUHSC issued an official transcript via Parchment reflecting an administrative dismissal effective 01-11-2024 under the Spring 2024 Lubbock Medicine entry. (Exhibit TAC-10.) Plaintiff alleges TTUHSC continues to issue and certify official transcripts bearing the dismissal notation when requested, and that third parties have relied on the transcript to deny opportunities, including at least one third-party medical school that declined to offer Plaintiff an interview after receiving an unofficial transcript with the dismissal notation. Plaintiff pleads this notation only as evidence of status publication and resulting injury; Plaintiff does not seek in this action any correction/annotation of education records or transcript content.

125. The final institutional appeal was conducted by Vice Provost Kruse, "designated by the TTUHSC Provost" (FERPA Doc 1510), under Handbook Part II.F.4.q. On January 11, 2024,

Kruse rejected the appeal. On January 12, 2024, TTUHSC circulated a dismissal memo to seven officials (Defendants' Exhibit 12).

126. Rice-Spearman and D'Agostino are named in official capacities only to the extent they can ensure implementation of the limited prospective relief requested (including a name-clearing hearing and non-transcript communication directives). Plaintiff does not seek relief based solely on supervisory responsibility.

G. Exclusion and campus access restrictions (status change)

127. TTUHSC issued emergency removal and campus-access restrictions—including the November 4, 2023 Emergency Removal—and a Criminal Trespass Warning ("CTW") that required police coordination even for Plaintiff to access a child's school on TTU property. When Plaintiff went to pick up his three-year-old from the campus daycare, he was given a police escort to retrieve the child—an armed escort for a parent's daycare pickup, triggered by a BOLO whose own underlying Threat Assessment found "no threat." The CTW remained in effect for approximately one year (through approximately November 4, 2024) and was actively enforced by TTU Police as late as September 24, 2024, when Plaintiff was instructed he must call ahead to access TTU property and warned that entry without coordination could result in arrest. These measures altered Plaintiff's legal status and were disseminated in connection with the publications described above.

128. The CTW remained in effect approximately one year (through ~November 4, 2024) and was affirmatively enforced: officials required police coordination for campus access, and Plaintiff was accused of entering without coordination (which Plaintiff denies). These 2024 enforcement acts are discrete post-issuance harms relevant to the ongoing stigma-plus and the need for a prompt, constitutionally adequate name-clearing process.

128A. Campus Ban Selectively Enforced to Block Witness Recruitment. During the suspension period, TTUHSC universally permitted Plaintiff to visit campus: to pick up and drop off his child at the campus daycare (a dozen times), to pick up prescription medication (several

times), and to visit his psychotherapist Dr. Korinek (two or three times). Each request was granted. But when Plaintiff requested to visit campus to meet with prospective defense witnesses—individuals not involved in the suspension or in some cases not even affiliated with the School of Medicine—the request was denied without explanation. The police officer who communicated the denial reported that it was made at the behest of TTUHSC's lawyers. Plaintiff was permitted on campus for every purpose except preparing his defense. The selective application of the campus ban—safety exception for daycare pickup, no exception for witness recruitment— demonstrates that the ban's operative function was not safety but litigation advantage. This directly contributed to the 15-to-0 witness asymmetry at the hearing (¶148): the institution recruited witnesses through ordinary institutional channels while Plaintiff was physically barred from meeting prospective witnesses in person.

H. Individual defendants' personal participation (non-exhaustive)

129. Cobbs: As Associate Dean for Student Affairs, participated in student-affairs communications and processes affecting Plaintiff. Plaintiff asked multiple administrators—including Cobbs—for incident-level specificity for allegations being used in official student-affairs documentation; TTUHSC did not provide incident-level notice and later used Plaintiff's inability to "recall" unspecified interactions against him. Plaintiff further alleges Cobbs urged Plaintiff to curtail protected speech and participated in or ratified communications escalating exclusion measures.

130. Cobbs "Professionalism Workaround" Personal Involvement. Defendant Cobbs, as Associate Dean for Student Affairs, personally documented and implemented the strategy to use "professionalism" as a workaround for punishing Plaintiff's protected speech. The August 22, 2023 internal notes (¶72) were authored by or in coordination with Cobbs. Cobbs's explicit acknowledgment that Plaintiff had "a right to say whatever he wishes" followed by the "professionalism" workaround demonstrates personal awareness and participation in the course of conduct to circumvent First Amendment protections.

131. Williams: Initiated or ratified interim removal measures, including issuing the November 4, 2023 Emergency Removal letter; invoked "threat" framing without an individualized assessment; urged Plaintiff to curtail protected speech; and participated in or ratified communications escalating exclusion measures. Plaintiff also reviewed records indicating that appeal review processes were not independent of the same officials involved in the underlying actions.

132. Trotter: As TTUHSC's Student Conduct Administrator for Plaintiff's disciplinary matter, communicated and implemented key pre-hearing procedural steps. Trotter sent the November 9, 2023 notice consolidating multiple matters into a single hearing—a notice that originated from General Counsel Renee Posey, was forwarded through Dr. Elisabeth Conser to Trotter, and delivered to Plaintiff as if it were an academic decision rather than a litigation-strategy decision made by institutional counsel. Trotter represented in recorded pre-hearing communications that the hearing would be broken into sections with Plaintiff's grievances heard and decided first; and later communicated or conveyed procedural limitations affecting Plaintiff's ability to present witnesses. On November 9, 2023, Trotter told Plaintiff: "someone above Student Affairs and Curriculum made the decision on behalf of everyone else"— indicating the emergency removal was directed from higher institutional authority (D'Agostino or Rice-Spearman), not a consensus decision by Student Affairs or the Threat Assessment Team. In November 2023, Trotter had Plaintiff's Twitter feed open during meetings with Plaintiff, demonstrating active social media monitoring by the Student Conduct Administrator responsible for Plaintiff's disciplinary process.

133. Institutional Speech Monitoring and Dossier Construction (2020-2023). On August 24, 2020, then-Dean Berk circulated Plaintiff's video to five administrators across two schools, flagging it as a "Free speech issue??" Berk directed: "I'll have Sherry get a threat meeting organized." Associate Dean Hamm responded: "I think we could benefit from a threat assessment meeting to discuss. We see this becoming a PR issue, as we've already received a few tips. Would you be available for a meeting today?" Berk confirmed. The threat assessment

framework—the same mechanism later used to justify Plaintiff's 2023 emergency removal—was deployed in 2020 to manage a public-relations concern about a student's protected speech. Associate Provost Justyna acknowledged: "After our training with General Counsel recently regarding free speech I know there is little we can do"— then asked: "do you recognize this student?" Five senior officials actively monitored one student's Twitter after their own General Counsel trained them it was protected. By late 2020, Schneider reported Plaintiff "hasn't posted anything too problematic" and recommended "following up with him" (FERPA Doc 1012). On September 14, 2020, Defendant Williams wrote: "I suspect that misbehavior on social media is going to become a bigger issue and we can learn some best practices from this experience." (FERPA Doc 1058.) The institution treated Plaintiff's case as a learning exercise for managing student speech. FERPA review revealed that a GSBS administrator compiled a multi-page dossier on Plaintiff (Doc 1432) retroactively assembling materials spanning 2020 through 2023: social media screenshots, external complaint letters, tweet archives, academic records including registration and committee-meeting notes, and Plaintiff's Newsweek article. On April 20, 2023—seven months before the tweet that triggered Plaintiff's emergency removal—the same administrator sent an "URGENT" request for Plaintiff's complete enrollment dates and research-lab history (FERPA Doc 1219). The dossier's final entries date to May 2023, confirming active compilation months before any charged conduct. A separate multi-page document by the same administrator was described in Plaintiff's FERPA review as containing defamatory material about Plaintiff with significant redactions (FERPA Docs 1434-1437). The same dossier contained email correspondence from mid-to-late 2022 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. Plaintiff had raised concerns about research methodology and data quality; the institutional response was not to address those 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 a doctoral student's scientific objections as evidence of mental health deficiency established the institutional template for the "professionalism" framing later used to justify Plaintiff's removal—and it preceded the November 2023 tweet by more than a year. The Newsweek opinion essay—"It's Time for the Scientific Community to Admit We Were Wrong About COVID and It Cost Lives" (Jan. 30, 2023)—that TTUHSC catalogued in the dossier, with the notation "a copy of the article will be filed in his file"— separate from the November 3, 2023 tweet cited to justify Plaintiff's emergency removal—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. Defendants compiled a dossier on and then punished the same speech that the nation's senior health officials amplified.

134. Officials Acknowledged Protected Speech Before Adverse Action:

(a) Feb. 1, 2023—Williams: "It is obviously protected speech... we need to discuss an appropriate response" (FERPA Doc 953). (b) Feb. 1, 2023—Berk: "We had problems with him on Twitter before... same free speech issues... I think we should discuss with legal" (FERPA Doc 1004). (c) Sept. 2, 2023—Williams emailed Plaintiff (63 days pre-removal): "We have no problems with your tweets. You are free to post whatever you want." (Exhibit TAC-4.) (d) Nov. 5, 2023—Williams (recorded): "free speech is free speech"; the response was "pretty extreme"; Plaintiff's grievances "very quickly turn into a burgeoning sense of people feeling threatened"—linking protected petitioning to "threat" framing. (e) Dec. 11, 2023—Gibson at hearing: "There is a First Amendment issues related to someone's free speech."

(f) Williams separately conceded to Plaintiff that the punishment imposed by the earlier SPPCC process was "unusually harsh." Williams was unable to explain to

Plaintiff what the issue was or why he was being punished—while conceding the institution's own response was disproportionate. (January 4, 2024 appeal.)

Defendants knew the speech was protected and acknowledged it—yet cited it as the basis for emergency removal.

135. Mancini (official capacity): Received notice of Plaintiff's disability and accommodation request; did not provide a written decision granting, denying, or proposing equally effective alternatives before the hearing; and failed to ensure effective communication measures were implemented for Plaintiff's participation.

136. Forbes: Authored and sent exclusion communications to gatekeepers and class-wide messaging referencing Plaintiff's speech, including the January 7, 2024 broadcast directing recipients to "check his Twitter"; participated in dissemination or coordination of BOLO/ban communications and exclusion directives; and acted with retaliatory motive tied to Plaintiff's protected speech and grievances.

137. Forbes "Career Not Physical" Admission. Forbes stated: "I did not feel physically threatened by Kevin but I sure felt like he was threatening my career at the institution" (FERPA Doc 0043). Williams documented this in his investigation report (FERPA Doc 0835, Nov. 6, 2023): Forbes "subsequently reflected that this was more of a threat to her career and not an overt physical threat." Williams had documented knowledge that Forbes's concern was career-based, not physical, before he signed the Emergency Removal. The same investigation report concluded: "the threat level was not as severe as first perceived" (FERPA Doc 0835)—yet no corrective action followed: the BOLO remained posted, the criminal trespass remained in effect, and the institution proceeded to dismissal. Williams had documented this pattern even earlier: on October 31, 2023—four days before signing the November 4 emergency removal—Williams documented Forbes's prior overreaction in his investigation notes. His November 6 investigation report then concluded: "the institution will likely continue to use an abundance of caution"—recharacterizing an acknowledged overreaction as policy compliance, two days after signing a second emergency removal based on the identical pattern. Williams knew the response was

disproportionate because he had documented the same cycle before: in August 2023, the institution deactivated Plaintiff's badge for two days based on a claim that Plaintiff had physically threatened Forbes. But Forbes's own contemporaneous account of the meeting (FERPA Doc 0043, dated August 14, 2023) states: "At the time of this conversation, I did not feel physically threatened by Kevin." No document in Plaintiff's FERPA file contains a contemporaneous claim by Forbes of physical threat—the only contemporaneous account says the opposite. Someone in the institutional chain between Forbes's account and the badge deactivation converted a self-described career concern into a physical threat allegation. Forbes rescinded the charge; the institution reversed the badge deactivation. In November 2023, the identical pattern repeated—but this time, no corrective action followed.

138. Forbes Pre-Tweet Animus. In June 2023—five months before the tweet—Forbes wrote to Williams and Nunez: "Well here is his first 1 in professionalism" (FERPA Doc 1009), celebrating the first negative evaluation. By August 10, 2023, Forbes reported that Plaintiff's appeal extension request "was punted to legal" (FERPA Doc 1083)—involving institutional counsel in denying Plaintiff adequate time to prepare his SPPCC appeal after Forbes had already limited him to five business days. Forbes was building a case against Plaintiff before the claimed triggering event. An earlier internal email (FERPA Doc 1002) from faculty member Findley to Forbes stated: "This is the student that I called [you] about with Dr. Williams in the room before we committed the lottery"—reflecting that Defendant Williams was personally involved in discussions about Plaintiff's clerkship placement before it occurred. On September 29, 2023, Forbes emailed Trotter with subject line "Another one," forwarding yet another negative evaluation with the note: "I was just about to release assessment and I was not alerted to this one. Looks like all three of his evaluators on the in-patient experience did not think he performed well." On November 27, 2023—sixteen days after emergency removal—Findler emailed Trotter (CC Forbes): "Rachel asked me to forward an evaluation to you for Kevin Bass from a psychiatry resident that gave a 'low score' alert." (FERPA Doc 1283.) Even after the hearing

process was underway and Plaintiff had been removed from campus, Forbes was still actively collecting and routing negative evaluations into the disciplinary file.

139. Wilson: In September 2023, Wilson (then a faculty supervisor at the Covenant Branch campus) filed multiple formal misconduct complaints against Plaintiff and requested discipline up to suspension or dismissal. Wilson later testified at the December 11, 2023 disciplinary hearing and stated that Plaintiff's protected speech (including a tweet) was treated as raising safety concerns and that multiple faculty members communicated such concern to her. Wilson was also copied on the January 7, 2024 class-wide email that publicized Plaintiff's dismissal and directed recipients to Plaintiff's Twitter.

140. Wilson's Recorded Admissions and Chilling Effect. On October 13, 2023, Wilson told Plaintiff on a recorded call: "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" and "I'm not sure quite if it's just a personality thing for you." Wilson acknowledged that the behavior underlying the misconduct complaints was neither intentional nor malicious— yet she continued filing misconduct reports and served as one of the Board's most relied-upon witnesses at the hearing that resulted in Plaintiff's dismissal for that same behavior. Wilson's own assessment undermines the "misconduct" characterization on which the Board relied.

In mid-September 2023, Plaintiff told Wilson: "I'm gonna be quiet. A lot more quiet than I've been... I feel antisocial and I hate it"—contemporaneous chilling-effect evidence communicated directly to a named Defendant. Wilson also confirmed that "anytime there is a patient satisfaction complaint against the student, it's immediately forwarded above my level, always to the conduct committee." Trotter had already contacted Wilson before she spoke to Plaintiff. Every interaction became a formal report feeding the "pattern" cited as grounds for dismissal.

At the December 11, 2023 hearing, Wilson testified that faculty fear was "fear of retaliation"—meaning complaints, not physical harm. Wilson also answered "Yes" when asked about "awkwardness or missed social cues" and testified: "you even told me that you had...

mental health issues with anxiety"—using Plaintiff's vulnerable self-disclosure as evidence of dangerousness, and establishing that Wilson was aware of what she herself characterized as disability-related behavior before testifying in support of dismissal.

141. Wilson's "Illness Photos" Misconduct Report — Complaint #2 in Context. On September 6-7, 2023, Plaintiff was too ill to attend his Pediatrics clerkship rotation. He reported his absence through TTUHSC's formal Absence Request system and by email to clerkship coordinator Letha McGraw on September 5. This was his first illness absence. Despite these formal reports, Forbes accused Plaintiff of failing to notify anyone— consistent with her documented escalation pattern (¶¶137, 138). Unable to obtain a doctor's note, Plaintiff sent photographs of his symptoms as defensive documentation, with the caption "Warning: graphic images."

Wilson did not speak to Plaintiff. Eleven days later, Forbes directed Wilson to file a formal complaint, then had herself listed as one of four "victims" in Wilson's September 18 misconduct report. Wilson requested "probation, suspension or dismissal" despite testifying at the December 11 hearing that "the absence itself is no concern at all," that she had "never penalized the students ever for not being there," and that she understood Plaintiff's reasoning: "reading through the arguments later I can see probably why maybe he did that in context for him." Forbes—who had the authority to address the matter herself—did not file her own report but orchestrated Wilson's, then designated herself as "victim."

142. Wilson's Patient-Relationship Misconduct Report — Complaint #3 in Context. During Plaintiff's psychiatry clerkship, Plaintiff proactively sought ethical guidance from multiple sources, including Defendant Trotter (who provided "no particular clarity") and the attending physician. At Plaintiff's recorded midpoints evaluation, Wilson acknowledged the ethical complexity: "There are blurred lines"; "I will not say that that line has never been crossed and blurred many times in the world of medicine." Wilson stated: "So if you've already had that conversation with Trotter, then I think you're okay." Wilson herself later confirmed compliance: "I think you heard me, that it needed to stop immediately. I didn't feel like you didn't hear that."

(Oct. 13, 2023 recording.) Yet Wilson simultaneously admitted she filed the formal report because Plaintiff "still really didn't quite get it" — interpreting the situation as lack of insight rather than connecting it to what she had already identified as "a personality thing" (¶140).

Eight days after the MRFA conversation, Wilson filed a formal misconduct report (IR00000505) characterizing the same conduct as "a breach in the TTUHSC SOM ethical policy" and requesting "Suspension, Dismissal" as remedy—omitting her own recorded acknowledgment that "there are blurred lines," that Plaintiff had proactively sought guidance, and that Plaintiff immediately complied when told to stop. Wilson then served as one of two key witnesses at the December 11 hearing—testifying in support of the complaint file she had personally built. The Board's Findings letter confirms: "the Board found the testimony of Dr. Erwin and Dr. Wilson to be particularly relevant, as both testified that based on their observations, they did not believe Dr. Bass was fit to continue as a medical student based on professionalism concerns." (Dec. 27, 2023, §V.) The Board's dismissal recommendation thus rested on Wilson— whose own recordings impeach her misconduct reports—and Erwin—whose coaching notes prove viewpoint discrimination against Plaintiff's speech (¶39(b)). Wilson and Erwin were simultaneously the principal complaint-generators building the case for dismissal and the Board's two most relied-upon witnesses. The Board treated their testimony as objective observation when it was, in substance, advocacy by the officials who had spent months constructing the adverse file.

142A. Wyatt Patient Complaint — Audio Contradicts Record. In early October 2023, the parent of a hospitalized infant ("Patient Wyatt") submitted a patient satisfaction complaint alleging that the family did not know who Plaintiff was and describing his presence using language evoking physical intimidation ("axe murderer vibes"). Plaintiff's contemporaneous audio recording of the encounter tells a different story: Plaintiff introduced himself as a medical student within seconds of entering the room, conducted a warm, thorough approximately twenty-minute clinical interaction, and was evaluated positively by the resident team afterward — one resident told him: "I think you did a good job reassuring them." Wilson acknowledged the conduct was "not malicious" but forwarded the complaint to the conduct committee anyway.

The contrast between Wilson's private and official positions on this complaint is representative of her conduct throughout. In recorded conversations, Wilson told Plaintiff he had "a tremendous love of learning," that she had heard he was "very invested in [his] patients," that he was "really pretty decent about asking and seeking feedback," and that she believed he was improving: "I believe you... I do think you're trying to get better." She offered detailed clinical feedback on his medical notes, telling him his work "looks really good." Plaintiff responded to Wilson's feedback by accepting it openly: "I know that you're right. And I know that that is the appropriate approach to take to be more circumspect in the way that I respond. And I need to work on that." This is the recorded conduct of a student the Board would later describe as "incapable of remediating or modifying his behavior." In another recorded exchange, Plaintiff described the toll of suppressing his natural sociability to comply with professionalism expectations: "It feels bad, honestly. I feel bad being less friendly... Isn't that such a strange thing?" Wilson reassured him: "I don't think you need to be unfriendly." Wilson officially forwarded the complaint to the conduct committee, produced it as hearing evidence, and testified that Plaintiff was unfit for medicine. The recordings show Wilson praising Plaintiff's learning, affirming his patient investment, and coaching him through a minor issue. The official record Wilson built tells the opposite story.

142B. Comprehensive Audio Record Contradicts "Social Skills Deficit" Characterization. The Wyatt encounter described in ¶142A is not an isolated example. 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. Across this entire body of recordings — none of which were made for litigation purposes — 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." To the contrary, the recordings consistently capture Plaintiff modulating his communication style appropriately for each

audience: using age-appropriate humor with pediatric patients, maintaining a direct professional tone with parents, engaging in collegial banter with residents, and seeking feedback from attending physicians. In one recorded encounter on October 11, 2023, Plaintiff delivered a bedside family update on a hospitalized infant so thoroughly that the supervising senior resident stated: "I feel like I interject too much, so I think I'm just gonna wait" — electing not to intervene because the third-year medical student was handling the family communication competently. On another occasion, when Plaintiff asked a supervising resident for feedback — "Anything I could have done better?" — the resident responded: "I don't think I thought of anything. I really don't." Dr. Autum DeSoto, the attending physician with whom Plaintiff spent approximately three weeks of outpatient pediatrics, told him at the end of one clinic day: "You're doing great" — and on another occasion referred to him as "my neuro information," reflecting confidence in his clinical knowledge. DeSoto evaluated Plaintiff's formal patient presentations as a "good HPI." On October 10, Plaintiff identified expiratory wheezes on auscultation that the supervising resident had not detected — the resident acknowledged: "Oh, yeah. I didn't listen to her" — demonstrating clinical acuity at or above his training level. A classmate who had spent significant time with Plaintiff independently attested to his social awareness in a recorded conversation: "I feel like we spent a lot of time together and you never — and I feel like if for whatever reason I didn't want to talk about anything, like understanding... if I chose not to talk to you, I feel like you would be very much an intelligent person" — directly describing a peer who reads social cues and respects boundaries.

142C. The Eating Disorder Patient — Clinical Excellence Recharacterized as Misconduct. During the same rotation, Plaintiff worked extensively with an adolescent patient hospitalized with an eating disorder. Plaintiff applied his independent knowledge of nutrition to offer the clinical team alternative hypotheses for the patient's continued weight loss despite stable caloric intake — contributions the team credited and incorporated. Over the course of the encounter, the patient disclosed childhood sexual abuse for the first time to Plaintiff and the care team — a disclosure that occurs only when a patient feels safe and trusts the clinician. Plaintiff

recognized the mandatory reporting obligation and consulted the hospital's sexual abuse expert, Aundra Conyer, who directed Plaintiff to file the CPS report and told him he had a legal obligation to do so. Nunez separately told Plaintiff he "didn't need to" call CPS. Plaintiff was aware of the tension between these directives, but he felt strongly obligated to the patient — and he believed that complying with a mandatory reporter obligation on the direction of the hospital's own subject-matter expert could not reasonably be held against him. He was wrong. The institution treated his compliance with a mandatory reporting obligation as insubordination. The sequence — earning patient trust in a sensitive clinical context, receiving a first-time trauma disclosure, and reporting abuse on the direction of the hospital's own expert — reflects clinical observation, ethical judgment, and the interpersonal skill to create safety for a vulnerable adolescent patient.

This same encounter generated three of the adverse evaluations used to dismiss Plaintiff. Nunez cited Plaintiff for "not follow[ing] instructions" by contacting CPS — recharacterizing compliance with both a mandatory reporter obligation and Conyer's expert direction as insubordination (¶97). Eboh, who had told Plaintiff he could focus on the patient he was most interested in and congratulated him for eliciting the patient's trauma history, subsequently cited the time Plaintiff spent with that patient — with Eboh's own permission — as "time management" deficiency in her written evaluation (¶96). Jensen, a resident on a different team who never observed Plaintiff's clinical work, cross- referenced Nunez's CPS complaint in his own evaluation — confirming cascade contamination rather than independent assessment (¶98). Multiple members of the care team — including the patient's family and nursing staff — shared Plaintiff's clinical concern about the primary diagnosis, and Nunez herself acknowledged at the hearing that Plaintiff was not "arguing" but "presenting his opinion" in what she characterized as "an unprofessional way." The institution thus took a single episode of clinically sound patient care — one that demonstrated the precise skills Defendants later claimed Plaintiff lacked — and converted it into three separate adverse evaluations through selective recharacterization.

142D. The "Be Honest" Trap. The eating disorder encounter was not the only instance of Plaintiff following institutional instructions literally and being punished for compliance. During clinical evaluations, Plaintiff was told to "be honest" about areas for improvement. He was genuinely self-critical — and his written evaluations then contained those same self-criticisms "almost magnified, like almost exaggerated and then stated as if it was like a fact." As Plaintiff later described: "I was punished for looking for places I could do better and being honest about that." This pattern — literal compliance with explicit instruction producing adverse consequences — mirrors the CPS episode (¶142C) and the grievance-filing retaliation (¶58): in each instance, Plaintiff did exactly what an authority figure told him to do, and the institution used his compliance against him.

The recordings also capture the evaluation environment itself. On October 11, 2023, Plaintiff documented in real time the contradictory feedback that characterized his evaluations: he had been told to "engage more and ask more questions" — and then received an evaluation stating he "doesn't look anything up by himself." When Plaintiff described this experience to the resident team, the supervising resident responded: "I know. I'm sorry" — acknowledging the contradiction as a recognized, systemic problem rather than disputing it. The same rotation, opposite complaints. This is not a student failing to meet a consistent standard; it is a student subject to evaluative criteria that shifted to produce failure regardless of conduct. The pattern extended beyond Pediatrics: during Plaintiff's subsequent Family Medicine inpatient rotation in November 2023, the supervising resident evaluated Plaintiff's clinical documentation and stated that his "assessment plan was great" and "included discussion of the clinical decision making reasoning" — a different department, different supervising team, and a different clinical skill (written documentation rather than bedside manner), with the same result. These recordings directly contradict Defendants' characterization of Plaintiff as someone who "lacks basic social skills" (Erwin, ¶39(b)) and the Board's finding that Plaintiff was "incapable of remediating or modifying his behavior." The audio evidence establishes that the characterizations driving Plaintiff's dismissal bore no relationship to his actual clinical conduct.

143. McSween: As University Registrar, published and/or caused to be published the official transcript dismissal notation, including the October 16, 2025 Parchment transcript, and communicated or caused the communication of Plaintiff's dismissal status to third parties in ways that foreseeably carried stigmatizing implications. McSween maintained the challenged status communications despite Plaintiff's objections and requests for process.

144. In April-May 2024, Plaintiff requested that TTUHSC provide residency-application documentation from the School of Medicine, including clinical evaluations and a Dean's letter (or comparable institutional letter). In response, McSween stated that TTUHSC did not and would not provide a Dean's letter for Plaintiff, while indicating she could provide clinical information and later sending clinical evaluations.

145. Gibson: As outside Hearing Officer, Gibson conducted the proceeding and exercised the delegated procedural authority described above; barred contemporaneous objections; filtered or refused Plaintiff's questions; applied time limits and sequencing in a one-sided manner; excluded disability-accommodation evidence as "outside scope"; and denied disability-related communication supports necessary for meaningful participation.

146. Gibson's One-Way Legal Ratchet. 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—citing "legal perspective" concerns, referencing "evidentiary concerns," and sustaining "legal matter objections." 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. Conser separately told Plaintiff the matter was "academic in nature and not legal" to deny legal protections, while Gibson exercised legal authority to restrict Plaintiff's participation. The hearing operated as a one-way ratchet: legal authority was invoked to restrict Plaintiff, while legal protections were denied because the proceeding was "not legal."

147. Gibson Financial Conflict of Interest. OCC records reveal Gibson was not a neutral hearing officer—he was TTUHSC's paid employment lawyer under eight continuous contracts totaling $393,000+ from 2020 through 2027 (OCC Nos. 2020-768-0641, -0674; 2022-768-0123, -0124; 2024-768-0010, -0018; 2025-768-0071; 2026-768-0034). (Exhibit TAC-11.) When Gibson left Littler Mendelson for Michael Best & Friedrich LLP, TTUS followed him to his new firm— demonstrating the financial relationship was personal. At the December 11, 2023 hearing, Gibson identified himself as "a retained Littler Mendelson attorney" (Plaintiff's notes from post-hearing review of the hearing recording)—not as a neutral adjudicator. The contract scope authorized Gibson to "provide legal advice and consultation regarding employment law" and to "serve as a hearing officer for employment and academic grievance hearings." Gibson received approximately $37,891.75 in documented payments around the hearing period. This structural financial relationship created an impermissible probability of bias.

148. Suppression of Disability Evidence and Witness Asymmetry. Gibson ruled: "I'm not going to allow that testimony" regarding Plaintiff's neuropsychologist, stating "the university did not have time to identify a rebuttal witness" (Plaintiff's notes from post-hearing review of the hearing recording), yet in the same ruling allowed the University to add Dr. Erwin as a witness that morning. The Board separately added two unlisted witnesses (Drs. Vo and Thomas) under an internal handbook provision—without advance notice to Plaintiff. Ten administration witnesses testified over approximately ten hours—drawn from a pool of eighteen authorized (fifteen pre-listed, plus three added day-of without advance notice to Plaintiff). Plaintiff was permitted zero defense witnesses. When Plaintiff noted on the record that Dr. Wilson had testified for approximately an hour and twenty minutes and requested equal time for cross-examination, Gibson responded: "you have 20 more minutes." Plaintiff's own testimony did not begin until approximately 6:45 PM, after the full day of university presentation. By the time Plaintiff testified, the Board had absorbed ten hours of adverse presentation without any contemporaneous counterpoint. The asymmetry was not because no one supported Plaintiff. Dr. Ryan Frantz had worked with Plaintiff for weeks, written favorable evaluations, and submitted a

favorable letter of support—yet would not testify, citing "not knowing [Plaintiff] well enough." TTUHSC's own Counseling Center Director, Dr. Korinek, reviewed the case materials and concluded the process appeared unfair—and decided testimony would be futile given the appearance of predetermined outcome (¶56). The institution's campus ban prevented Plaintiff from meeting prospective witnesses in person (¶128A), while TTUHSC recruited ten witnesses through ordinary institutional channels. The 15-to-0 asymmetry was an engineered outcome, not a reflection of the facts.

I. Economic and concrete harms

149. Plaintiff alleges concrete economic losses proximately caused by Defendants' actions and publications, including loss of aid and scholarship funds, fees and costs related to delayed credentialing and examination pathways, and lost opportunities. On February 12, 2024, TTUHSC's Office of Student Financial Aid notified Plaintiff of a federal Title IV Return of Funds calculation requiring return of $3,524.00 from a Federal Direct Unsubsidized Loan to the federal processor. (See Exhibit TAC-17.) On February 12, 2024, TTUHSC canceled Plaintiff's Spring 2024 scholarship in the amount of $20,118.11 as a direct consequence of the dismissal-related withdrawal, and assessed Plaintiff a balance due of $24,316.56 for the Spring 2024 semester. By December 2025, this balance had escalated to $30,458.20 in collections—ongoing financial harm from the challenged dismissal.

149A. The Withdrawal Mischaracterization. The $24,316.56 balance was generated through a false predicate. On February 12, 2024, Melissa Mullins (Senior Advisor, Financial Aid) sent Plaintiff a letter (See Exhibit TAC-17) characterizing his forced dismissal as a voluntary "withdrawal": "We received notice of your withdrawal for the Spring 2024 semester... Due to your withdrawal, a portion of your federal aid offer was cancelled and returned... You currently have a balance owed due to the processing of your withdrawal." Plaintiff had not withdrawn. He was expelled, removed from campus under criminal trespass and BOLO orders, and barred from clinical facilities. The "withdrawal" characterization triggered federal Return of Title IV Funds regulations, causing automatic cancellation of Plaintiff's $20,118.11 scholarship

and return of $3,524.00 in federal loans—converting an involuntary expulsion into a tuition debt. On May 29, 2024, Plaintiff objected in writing: "I never withdrew from Texas Tech. More than anything, I wanted to complete my medical education. The school expelled me." TTUHSC did not respond, did not correct the characterization, and did not adjust the balance.

149B. FERPA records produced in January 2026 revealed that Plaintiff's financial aid file was stored in the "W/D folder for 23-24"—a routine withdrawal processing folder (FERPA Doc 0140). The same folder contained a "DISMISSAL MEMO TEMPLATE" (FERPA Doc 0141), indicating that TTUHSC maintained a standardized process for converting student dismissals into withdrawal paperwork. Defendant Myers received the W/D folder email on October 9, 2025 (FERPA Doc 0140), confirming her office's continued involvement in the financial consequences of Plaintiff's mischaracterized status nearly two years after the dismissal.

149C. Debt Collection Escalation Following Protected Activity. After Plaintiff's May 2024 dispute, the $24,316.56 balance remained dormant for approximately fifteen months. In October 2025, Plaintiff engaged in protected activity: he filed Texas Public Information Act requests seeking records related to his dismissal and submitted formal requests for disability accommodations and a name-clearing hearing. Within weeks, TTUHSC resumed aggressive collection. On December 10, 2025, TTUHSC issued a "Final Account Statement" reflecting a new balance of $30,458.20—comprising $24,366.56 in principal and $6,091.64 in unexplained fees (approximately 25% of principal)—and referred the account to Williams & Fudge, Inc., a third-party collection agency. (See Exhibit TAC-17.) On December 15-18, 2025, Plaintiff filed timely written disputes requesting: (1) an itemized account ledger, (2) the basis for tuition liability during a term of campus exclusion, (3) documentation for the $6,091.64 in fees, and (4) scholarship and aid reversal entries. On December 19, 2025, TTUHSC's Associate Managing Director of Student Business Services responded by deflecting the entire dispute to the collection agency—without addressing a single substantive question. Williams & Fudge continued sending collection notices on December 18 and 23, 2025 despite Plaintiff's timely disputes, setting a new collection deadline of February 6, 2026.

150. The debt collection sequence constitutes ongoing, concrete financial harm: TTUHSC generated a $24,316.56 debt by falsely characterizing Plaintiff's expulsion as a voluntary withdrawal; Plaintiff disputed the characterization in writing; TTUHSC did not respond; the debt sat dormant for fifteen months; and immediately after Plaintiff engaged in protected activity, TTUHSC escalated the balance by 25%, referred it to a collection agency, and refused to answer billing questions. The temporal proximity between Plaintiff's October 2025 protected activity and the December 2025 debt escalation—after fifteen months of inactivity—supports an inference of retaliatory motive.

151. Plaintiff also alleges lost professional opportunities caused by the dismissal status. TTUHSC stated no Dean's letter would be provided for residency applications (Exhibit TAC-9), materially impairing Plaintiff's ability to apply.

152. Specific Third-Party Denials (Ongoing Harm). Plaintiff has documented specific third-party denials resulting from TTUHSC's stigmatizing publications:

(a) St. James School of Medicine (Caribbean): On November 30, 2023, St. James rejected Plaintiff's transfer application, stating: "Based on the information you provided, I'm sorry to say we're unable to help you continue your medical studies." (Exhibit TAC-7.)

(b) St. Matthew's School of Medicine (Caribbean): In May 2024, Plaintiff submitted a transfer application. In June 2024, the application was rejected. (Exhibit TAC-8.)

Both rejections followed disclosure of TTUHSC's stigmatizing status. These are concrete, documented harms—not hypothetical future injuries.

J. Ongoing harm; basis for prospective relief

153. TTUHSC continues to publish and certify Plaintiff's official transcript bearing the dismissal notation when requested. Plaintiff is actively pursuing professional opportunities requiring transcripts and status verifications, making future disclosures imminent. Each issuance constitutes a new act of dissemination supporting prospective relief.

154. Defendants also continue to maintain exclusion-directive communications conveying a false implication of dangerousness, creating a continuing risk of re-issuance. To Plaintiff's knowledge, Defendants have issued no written rescission or corrective clarification to BOLO/exclusion recipients at UMC, Covenant, or other clinical affiliates. Of approximately 1,500 FERPA documents reviewed to date (produced ~125 days late and still under review), no "all clear" or rescission communication has been found.

155. The cumulative effect is that Plaintiff now carries institutional labels—unprofessional, dangerous, unfit—functioning as a permanent negative credential that recurs in every credentialing inquiry and professional interaction, as already manifested in transfer rejections (¶152) and uncorrected BOLO communications (¶154).

156. On October 19, 2025, after Plaintiff obtained an official transcript bearing the challenged dismissal notation and after learning of continued third-party dissemination of threat-imputing exclusion communications, Plaintiff requested a name-clearing hearing addressing the stigmatizing implication that he posed a safety threat. Plaintiff sent the request to multiple TTUHSC and TTU officials. Plaintiff followed up after receiving no confirmation. Defendants have not provided such a hearing.

VIII. CLAIMS FOR RELIEF

(Paragraphs 1-58 are the "General Allegations" for all counts below. No count incorporates any other count.)

COUNT 1 - Rehabilitation Act § 504 (Damages & Declaratory Relief) - Against TTUHSC

157. Section 504 prohibits disability discrimination in a program or activity receiving federal financial assistance. Plaintiff is a qualified individual with disabilities and was otherwise qualified to participate in TTUHSC's student disciplinary process with reasonable modifications and effective communication supports.

158. The relevant TTUHSC service, program, or activity includes the adjudicative student disciplinary process and the hearing procedures used to remove Plaintiff from the School of Medicine, including the provision of auxiliary aids, services, and reasonable communication supports necessary for meaningful participation.

159. Failure-to-accommodate framework. To state a Title II/§ 504 failure-to-accommodate claim, a plaintiff must allege that he is a qualified individual with a disability and was denied the benefits of a public entity's services, programs, or activities by reason of disability, including by the entity's failure to provide reasonable modifications or effective communication measures after notice of the need. See Cadena v. El Paso Cnty., 946 F.3d 717 (5th Cir. 2020); Pickett v. Tex. Tech Univ. Health Scis. Ctr., 37 F.4th 1013 (5th Cir. 2022); Bennett-Nelson v. Louisiana Bd. of Regents, 431 F.3d 448 (5th Cir. 2005).

160. TTUHSC denied Plaintiff meaningful access to the disciplinary hearing process by failing to provide reasonable communication-related supports necessary for Plaintiff's participation, including by proceeding without any timely SDS accommodation determination for the hearing, excluding the accommodations portion of Plaintiff's evaluation from consideration for hearing-process purposes, and barring attorney-assisted questioning as a limited communication support. Plaintiff challenges the denial of disability-related communication supports in the disciplinary process (access discrimination), not TTUHSC's authority to enforce neutral conduct standards.

161. TTUHSC had actual notice of Plaintiff's disability-related communication limitations and requested supports—including through Plaintiff's neuropsychological evaluation

and counsel's December 8, 2023 notice to Board Chair Morales and SDS—but proceeded with a high-stakes adjudication without implementing effective communication supports or providing any equally effective alternative, thereby denying meaningful access. TTUHSC's failure to act persisted after notice and in the face of a known risk of denying access.

162. TTUHSC's denial of meaningful access was not a mere accident or negligent miscommunication. Officials with authority to provide or implement hearing-process accommodations and communication supports—including SDS leadership, Student Affairs/ Academic Affairs leadership, General Counsel, and the delegated Hearing Officer—had actual notice of Plaintiff's disability-related communication limitations and requested supports, yet consciously chose to proceed with the high-stakes adjudication without implementing any accommodation or equally effective alternative. Plaintiff pleads these facts as intentional discrimination, including a knowing and purposeful refusal to provide effective communication supports (or any equally effective alternative) after actual notice and despite the obvious risk of denying meaningful access, sufficient to support compensatory damages under § 504.

163. The denial of supports materially impaired Plaintiff's ability to understand and respond to the incident-level allegations used against him (¶¶169-171), thereby denying meaningful access. See ¶¶161-162, 170(c).

164. Plaintiff seeks economic damages proximately caused by the § 504 violation and, where permitted, nominal damages. Plaintiff does not seek punitive or emotional-distress damages under § 504.

COUNT 2 - ADA Title II (Prospective Relief) - Against Official-Capacity Defendants

165. Title II prohibits a public entity from excluding a qualified individual with a disability from participation in or denying the benefits of services, programs, or activities by reason of disability. Title II requires reasonable modifications and effective communication measures. 28 C.F.R. §§ 35.130(b)(7), 35.160; see Tennessee v. Lane, 541 U.S. 509, 531-34 (2004); United States v. Georgia, 546 U.S. 151, 159 (2006). The officials named in their official capacities are included only to the extent they have implementing authority over (i) disability accommodation determinations for TTUHSC processes affecting Plaintiff, and/or (ii) official TTUHSC status verification communications described in the General Allegations.

166. Defendants, acting in their official capacities and within their enforcement authority, failed to provide reasonable modifications and effective communication measures necessary for Plaintiff's meaningful participation in the disciplinary process and for any ongoing or future institutional communications and processes that implicate Plaintiff's disability-related communication needs.

167. Plaintiff seeks only as-applied prospective relief under Title II against appropriate officials with authority to implement it: (a) if TTUHSC convenes or is ordered to convene any adjudicative or administrative proceeding involving Plaintiff (including a Court-ordered name-clearing hearing), Defendants must provide reasonable modifications and effective communication supports so Plaintiff can meaningfully participate; and (b) if Defendants issue new non-transcript exclusion/status communications about Plaintiff to third-party clinical affiliates or gatekeepers, those communications must be limited to neutral status information and must not include new threat-imputing characterizations (as defined in ¶215) absent a specific legal obligation. Plaintiff does not seek any order in this action directing changes to the official transcript record or enforcing OP 77.13 / Tex. Gov't Code § 559.004 record-procedure requirements.

168. "Non-transcript exclusion/status communications" means TTUHSC's discretionary advisories, ban directives, and status communications—not the official transcript.

COUNT 3 - Procedural Due Process (Fourteenth Amendment) via § 1983 (Damages & Declaratory Relief) - Against Cobbs, Williams, Trotter, Gibson, and DOES 2-10 (Individual Capacities)

169. At all relevant times, Defendants Cobbs, Williams, Trotter, Gibson, and DOES 2-10 acted under color of state law in connection with Plaintiff's student disciplinary process and campus-access restrictions. Public universities imposing serious disciplinary sanctions must provide notice of the factual basis for the charges with reasonable specificity and a meaningful opportunity to be heard. Plaintiff had protected liberty interests (and, to the extent recognized, property interests) in his continued enrollment and in avoiding non-academic dismissal and stigmatizing status restrictions.

170. Plaintiff alleges that Defendants' notice defects, selective procedural departures, and denial of disability-related communication supports—combined with evidence gating— denied Plaintiff a meaningful opportunity to be heard and materially increased the risk of erroneous deprivation. Defendants' conduct included:

(a) Cobbs, Williams, and DOES 2-10: failing to provide incident-level notice with reasonable specificity at any stage of the proceedings. The notice deficiency originated in the SPPCC process, where the complaining witness could not cite a single professionalism incident and the appeals panel found "lack of specificity" (¶¶65-67, 67A). That deficiency was never cured: the same unspecified allegations were carried forward into the December 11, 2023 hearing, where the Board found Plaintiff "incapable of remediating" conduct that no administrator, evaluator, or coach had ever identified with specificity (¶¶40, 129-131). Defendants used Plaintiff's resulting inability to "recall" unspecified interactions against him;

(b) Trotter and DOES 2-10: consolidating multiple matters into a single high-stakes hearing over Plaintiff's objection; representing in recorded pre-hearing

communications that Plaintiff's grievances would be heard and decided first; and then abandoning that promised grievance-first, sectioned structure on the morning of the hearing after Plaintiff prepared in reliance on it (¶53, 132);

(c) Gibson and DOES 2-10: declaring his procedural rulings unreviewable, then imposing one-sided procedural constraints, including barring contemporaneous objections, requiring written submission of questions, gating witnesses and evidence, and applying time limits and sequencing asymmetrically in a manner that impaired Plaintiff's defense (¶51, 63-83, 145). Gibson is not entitled to quasi-judicial immunity because the hallmarks of a judicial proceeding were absent: he eliminated objections, banned cross-examination by counsel, exercised unchecked procedural discretion without appellate review, and maintained $393,000+ in active contracts with the prosecuting institution—the antithesis of judicial independence. See Cleavinger v. Saxner, 474 U.S. 193, 206 (1985); Butz v. Economou, 438 U.S. 478 (1998);

(d) Mancini (official capacity only) and DOES 2-10: denying or failing to implement effective communication supports and accommodations necessary for Plaintiff's meaningful participation, including by proceeding without any timely SDS accommodation determination for the hearing and treating accommodations evidence as outside scope (¶38-48, 135, 145);

(e) Williams and DOES 2-10: imposing and maintaining a yearlong campus-access ban/Criminal Trespass Warning without any pre-deprivation or prompt post-deprivation hearing or written findings addressing necessity and duration (¶127-128, 131).

171. Plaintiff challenges selective departures from written rules and communication-related restrictions that, given his disabilities, denied a meaningful opportunity to be heard and materially increased the risk of erroneous deprivation at minimal administrative cost. Cf. Walsh v. Hodge, 975 F.3d 475, 484-85 (5th Cir. 2020). Under the totality of the circumstances

pleaded—including the severity of the sanctions, the lack of reasonably specific notice, the abandonment of promised hearing structure, and selective procedural departures—the basic floor of due process was violated, evaluated under Mathews v. Eldridge's balancing of the private interest, risk of erroneous deprivation, and governmental interest. 424 U.S. 319, 334-35 (1976). This case concerns disciplinary, not academic, sanctions (see ¶82: the Board's own letter uses "Non-Academic Dismissal" three times). Cf. Bd. of Curators v. Horowitz, 435 U.S. 78 (1978) (academic deference inapplicable to disciplinary proceedings). The right to notice of charges with reasonable specificity and a meaningful opportunity to be heard before serious disciplinary exclusion was clearly established at the time of the events alleged. See Dixon v. Alabama State Bd. of Educ., 294 F.2d 150 (5th Cir. 1961); Goss v. Lopez, 419 U.S. 565 (1975).

172. Additional Due Process Violations.

(a) Predetermination: Williams's structural role as SPPCC process administrator and appellate decision-drafter (¶55; FERPA Doc 949) demonstrates the absence of independent review at any stage of Plaintiff's disciplinary proceedings. The Board Findings document (TTUHSC-0000054) confirms the hearing addressed: (1) four "professionalism" misconduct complaints; (2) six "below expectations" evaluations; and (3) Plaintiff's grievances—but did not address the BOLO's "threatening statements" characterization or the dangerousness stigma, leaving no mechanism for Plaintiff to rebut the most damaging characterization.

(b) Ignored Warning: Three days before the hearing, TTUHSC's own Counseling Center Director wrote to the Board Chair (Exhibit TAC-16) that Plaintiff was "not a danger to anyone," that Plaintiff "acknowledges that... he needs to make changes" and was "committed to learning," that Plaintiff was "a passionate individual who eagerly desires to be a doctor so that he can serve others," and recommended that Plaintiff "be allowed to continue his medical education." Korinek warned that "a confirmation bias may now exist whereby his mistakes are viewed more

negatively and his positive behaviors are overlooked or discounted" (¶56). The Board proceeded to dismissal three days later.

(c) Grade Manipulation: 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.

(d) Fabricated Allegations: On June 21, 2023, Williams and Nunez presented a sexual misconduct allegation against Plaintiff. On July 20, 2023, Forbes identified the source—Zavala—who then called Plaintiff directly and denied the event occurred, speculating "someone who wanted to hurt me might have fabricated it." Forbes confirmed the denial. 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.

173. Plaintiff seeks declaratory relief and damages against the individual-capacity defendants for the due-process violations, including nominal damages where appropriate.

COUNT 4 - Stigma-Plus (Fourteenth Amendment Liberty Interest) via § 1983 (Damages & Declaratory Relief) - Against Forbes, McSween, and DOES who published threat-imputing statements (Individual Capacities)

174. Counts are independent. Plaintiff does not incorporate any other count into this count. Paragraphs 1-58 are the General Allegations for all counts.

175. Reputation alone is not a protected interest, but a claim lies where the government publicly disseminates materially false and stigmatizing accusations in connection with an alteration of legal status without providing an opportunity to clear one's name. See Paul v. Davis, 424 U.S. 693 (1976); Board of Regents v. Roth, 408 U.S. 564 (1972); Codd v. Velger, 429 U.S. 624 (1977). The Fifth Circuit applies a seven-element framework derived from Rosenstein v. City of Dallas, 876 F.2d 392 (5th Cir. 1989), aff'd en banc, 901 F.2d 61 (5th Cir. 1990), and refined in Bellard v. Gautreaux, 675 F.3d 454 (5th Cir. 2012).

176. Plaintiff does not base this claim on the fact of exclusion or status restriction alone. The stigma at issue is the alleged false implication of dangerousness and the attendant need for security escalation, coupled with the status change and the denial of a name-clearing process.

177. Defendants disseminated threat-imputing characterizations beyond internal need-to-know channels through at least six channels reaching 200+ recipients (¶122): the Covenant campus exclusion email to 30+ staff and faculty (¶118); the BOLO flyer distributed to clinical affiliates including non-TTUHSC personnel at UMC Hospital (¶¶115-116); Bates's "due to social media" emails to grievance-filing targets explicitly linking exclusion to speech (¶120); Forbes's class-wide broadcast directing approximately 200 students to "check his Twitter" (¶121); the criminal trespass warning enforced by TTU Police (¶127); and ongoing Parchment transcript verifications bearing the dismissal notation (¶124). Within five days of the non-public Board determination, an external individual announced on Discord: "we did it, Kevin Bass' medical committee voted to expel him"—using procedural language that mirrors internal TTUHSC terminology, establishing that confidential disciplinary information reached external actors who

considered themselves participants in Plaintiff's removal (¶123). For purposes of this claim, "made public" includes dissemination by state actors outside internal need-to-know channels to third parties such as non-TTUHSC affiliate personnel, gatekeepers, and distribution-list recipients, and does not rely on any self-publication by Plaintiff. Plaintiff alleges the threat-imputing implication was materially false and unsupported by any individualized assessment or adjudicated finding of dangerousness. The falsity alleged here is not a dispute that Defendants issued exclusion or status measures; it is the materially false implication that Plaintiff posed a safety threat requiring security escalation and exclusion absent any adjudicated finding of dangerousness.

177A. The stigmatizing characterizations have not been contained. Once disseminated to 200+ recipients across institutional, clinical-affiliate, law-enforcement, and student channels, the dangerousness implication foreseeably propagated to online platforms, where it is now indexed by search engines, legal databases, and AI-driven information systems. Every background check and internet search of Plaintiff's name surfaces these characterizations. Defendants have never rescinded, corrected, or updated the BOLO, exclusion directives, or dangerousness characterizations in any communication to any recipient. The stigma is ongoing, compounding, and unremediated.

178. Williams "No Terroristic Threats" Checkbox and Protocol Violation. Defendants' own Threat Assessment form (Nov 3-4, 2023; Exhibit TAC-12) asked Williams: "Does this involve criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats?" Williams checked: "No." Yet the BOLO issued the next day stated "threatening statements" and "call 911 for life-or-death situation." Williams's own official determination that there were no terroristic threats contradicts the dangerousness characterization in the BOLO. This is falsity proven by Defendants' own form. Moreover, TTUHSC's own Threat Assessment Protocol flowchart mandates: when there is no "Physical or Other Credible Evidence (e.g., Injuries, Witness Statements, Video Surveillance)," the required outcome is "No Security Hold or Criminal Trespass is Issued." No such evidence existed. Defendants imposed both a security

hold and a twelve-month criminal trespass warning in direct violation of their own protocol's mandatory pathway—proving the result was predetermined, not the product of a genuine threat assessment.

179. Board's Own Language Used Only "Perceived" and "Potential" Qualifiers. The Board's determination letter never found that Plaintiff actually posed a safety threat. Instead, the Board consistently used hedged language: "perceived threat," "potential threat," and "perceived/potential threat"—qualifiers that acknowledge the absence of an actual, adjudicated finding of dangerousness. If the Board had concluded Plaintiff was actually dangerous, it would not have needed to qualify every reference. The Board's own chosen language proves the dangerousness stigma published in the BOLO and exclusion directives was not supported even by the body that decided to dismiss Plaintiff.

180. Eight Officials' "No Threat" Admissions. At least eight TTUHSC officials or witnesses stated Plaintiff was not a threat:

Official	**Statement**
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Fell (Threat Assessment reviewer)	"None. Nothing." (re: threat in post)
Williams	"Never sensed threat or danger" [01:49:04]; "I have never felt" Plaintiff was going to be violent [01:51:03]; "People shouldn't overreact to your tweets" [00:53:29]
Forbes	"Career threat, not physical threat" (Aug 2023, separate incident)
Korinek	"Not a danger to anyone"
Wilson	"Did not interpret it as a threat by myself"
Bates	"No threat to you specifically"
Erwin	"I don't take that to be a threat from you... I get who you are" (Dec 11 hearing testimony)
Frantz	Plaintiff "has shown remarkable maturity and self awareness"; Plaintiff explained to Frantz that he "had no intention in this communication to threaten anyone" (support letter submitted to hearing board)

These admissions establish the falsity of the dangerousness characterization in the BOLO and exclusion communications.

181. These publications were tied to and occurred in the context of pleaded alterations of Plaintiff's legal status, including emergency removal, campus-access/criminal-trespass restrictions, and the ultimate termination of Plaintiff's student status accompanied by an official transcript dismissal notation. After Plaintiff's explicit request for a name-clearing hearing, Defendants have refused and/or failed to provide a constitutionally adequate name-clearing process.

182. The December 11, 2023 proceeding was not convened or structured as a name-clearing hearing focused on the dangerousness stigma. The Board Findings document (TTUHSC-0000054) confirms the hearing addressed: (1) four "professionalism" misconduct complaints; (2) six "below expectations" evaluations; and (3) Plaintiff's grievances—but did not address the BOLO's "threatening statements" characterization or the dangerousness stigma. Accommodation evidence was excluded as "outside scope" and counsel's questioning was barred—leaving no mechanism for Plaintiff to rebut the most damaging characterization disseminated to third parties.

183. Stigma-plus elements (pleaded facts): (1) publication beyond need-to-know through six channels to 200+ recipients, with foreseeable propagation to online platforms (¶¶177-177A); (2) material falsity of dangerousness implication (¶¶177, 178, 180); (3) status change—emergency removal, CTW, dismissal with transcript notation (¶181); (4) no name-clearing hearing after request (¶¶156, 181); (5) unremediated and compounding stigma (¶177A).

184. Clearly established law (QI). It was clearly established at the time of the events alleged that when state actors publicly disseminate materially false, stigmatizing accusations in connection with a status change, due process requires a meaningful opportunity to clear one's name. See Hughes v. City of Garland, 204 F.3d 223, 226-28 (5th Cir. 2000); Bledsoe v. City of Horn Lake, 449 F.3d 650, 653-55 (5th Cir. 2006).

185. Plaintiff seeks declaratory relief and damages against the individual-capacity defendants for the stigma-plus violations. The ongoing dissemination of unremediated stigmatizing characterizations through search engines, legal databases, and background-check

systems constitutes continuing harm. The dangerousness characterizations have never been rescinded by any Defendant to any recipient, and Plaintiff's reputation continues to be impaired with each search, each transcript request, and each background inquiry.

COUNT 5 - First Amendment Retaliation via § 1983 (Damages & Declaratory Relief) - Against Cobbs, Williams, Wilson, Forbes, and DOES 2-10 (Individual Capacities)

186. Plaintiff engaged in protected speech and petitioning activity, including: (a) internal grievances and requests regarding disability accommodations, due process, mistreatment, and process; and (b) public commentary on matters of public concern, including public-health policy and the administration of a public medical school. Plaintiff's Newsweek article on public-health policy—separate from the November 3 tweet and part of the broader speech pattern TTUHSC surveilled—was widely circulated within days of publication and shared by individuals who, at the time of this filing, serve 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. See ¶133; see also ¶¶84-92.

187. Defendants took adverse actions that would deter a person of ordinary firmness, including: (a) Williams: emergency removal and campus-access restrictions tied to speech (¶¶87-90, 131); (b) Cobbs: "professionalism workaround" strategy (¶¶129, 130); (c) Wilson and Forbes: initiation of threat framing and public directives to check Plaintiff's Twitter (¶¶121, 136-139); (d) DOES 2-10: participation in escalation and publication.

188. Causation and Mt. Healthy Pretext. Defendants will contend they would have dismissed Plaintiff regardless of his protected speech. That defense fails for two independent reasons: (A) the post-tweet adverse actions were new and had no non-speech explanation, and (B) the pre-tweet disciplinary pipeline was itself speech-motivated and cannot serve as the "would have happened anyway" baseline.

(A) Post-Tweet Actions With No Non-Speech Explanation. The following adverse actions occurred only after and because of Plaintiff's November 3, 2023 tweet: (1) Williams's emergency removal from campus on November 4 — imposed the day after the tweet, despite Williams having stated just 62 days earlier that he had "no problems" with Plaintiff (Aug. 2023 recording); (2) the BOLO characterizing Plaintiff's speech as "threatening statements" and

directing "call 911 for life-or-death situation" — when Williams's own Threat Assessment form checked "No" for terroristic threats (¶178); (3) a twelve-month Criminal Trespass Warning barring Plaintiff from all TTUHSC property; (4) the consolidation of four complaints, six evaluations, and six grievances into a single high-stakes hearing — a mechanism that used the tweet as pretext to sweep every pending matter into a proceeding where the tweet would dominate; (5) Posey, Senior Associate General Counsel and advisor to the Board Chair, acknowledged the proceeding was "prompted by Social Media post" (Nov. 16, 2023) — confirming the speech nexus from the institution's own lawyer; (6) between the tweet and the hearing, Defendants converted Plaintiff's passing numerical grade to a Fail for Pediatrics (¶172(c)) — manufacturing an adverse academic record after the speech event to strengthen the case for dismissal. None of these actions was contemplated, initiated, or authorized before November 3, 2023. Each was triggered by or occurred in the immediate aftermath of protected speech.

(B) The Pre-Tweet Pipeline Was Itself Speech-Motivated. Defendants cannot establish they "would have" dismissed Plaintiff absent his speech because the pre-tweet disciplinary pipeline was built on speech-motivated actions:

(1) Berk initiated surveillance of Plaintiff's Twitter in August 2020, flagging posts as a "Free speech issue??" (¶133) — three years before any professionalism complaint;

(2) Williams wrote that Plaintiff's social media was "obviously protected speech" in February 2023 (FERPA Doc 953, ¶134), establishing that administrators identified Plaintiff's speech as constitutionally protected before the first clinical evaluation;

(3) Berk referenced "same free speech issues" (FERPA Doc 1004), confirming the link between speech surveillance and the disciplinary response;

(4) Forbes controlled the Covenant campus where five of six "below expectations" evaluations originated (¶100), directed faculty to file complaints (¶¶105, 141), and filed simultaneously with Wilson on the same day (¶100) — establishing that the evaluation pipeline was administratively manufactured, not organic. At the midpoint of Plaintiff's Pediatrics

clerkship, Wilson confirmed only one evaluation existed (¶100). By the hearing two months later, six had materialized — all from Wilson's sphere of influence. The "independent grounds" materialized when Wilson's administrative involvement materialized, not when Plaintiff's behavior changed;

(5) Defendants called 15 witnesses against Plaintiff while permitting zero defense witnesses, excluded disability evidence as "outside scope," banned contemporaneous objections, and placed counsel inside the deliberation room (¶¶51, 63-83, 145) — procedural asymmetries consistent with a proceeding designed to ratify a predetermined speech-motivated outcome, not to conduct neutral fact-finding.

(C) After-the-Fact Admissions. Forbes's January 7, 2024 email to 200+ students — "we are one student lighter this semester... just check his Twitter" (¶121) — is a post-dismissal admission tying the outcome to Plaintiff's speech. That Forbes attempted to recall this email demonstrates consciousness of wrongdoing.

When the "would have happened anyway" baseline is itself the product of speech-motivated retaliation, Mt. Healthy does not insulate Defendants. See Hartman v. Moore, 547 U.S. 250, 260 (2006) (retaliatory motive taints entire chain of causation); Nieves v. Bartlett, 587 U.S. 391, 404-05 (2019) (objective evidence of retaliatory motive can overcome facially legitimate justification).

189. Defendants' Own Policies Protected Plaintiff's Speech. TTUHSC's 2022-2023 Student Handbook Part VII.A.1 states that "TTUHSC recognizes freedom of speech and expression as a fundamental right." Part II.D.5.f carves expression out of the misconduct code entirely, directing that "[a]ctions involving freedom of expression are covered in Parts VII and VIII of this Handbook." TTUS Regulation 07.04 §9 provides: "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." Defendants punished speech that their own governing policies at every institutional level—Handbook, operating policy, and system regulation—expressly protected.

190. Institutional Retaliation Pattern. Then-Dean Berk initiated the surveillance and escalation pattern targeting Plaintiff's protected speech in August 2020, when he flagged Plaintiff's Twitter posts as a "Free speech issue??" (¶133). This early identification of Plaintiff's speech as constitutionally protected, followed by surveillance and threat-framing, establishes the institutional template for the retaliation that culminated in the November 2023 adverse actions.

191. Comparator Evidence - Disparate Treatment. Fell's own hearing testimony establishes that TTUHSC treated Plaintiff differently from prior similar cases. Fell testified that a prior case involving potential student misconduct "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.

192. Comparator Evidence - Van Overdam (TAMU). 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 provided every procedural safeguard that TTUHSC denied Plaintiff: independent hearing officer with no financial relationship to the institution, attorney participation as communication support, advance disclosure of all evidence, postponement to allow disability accommodation processing, and a genuine grievance-first resolution before conduct proceedings. Every safeguard that saved the TAMU student was absent from Plaintiff's proceedings—despite both institutions operating as Texas public universities governed by comparable Board of Regents oversight and state regulatory frameworks.

193. Plaintiff suffered concrete harms, including loss of educational opportunity, reputational stigma coupled with status restrictions, and economic losses, and Plaintiff continues to face ongoing harms and disclosure risks. See ¶¶149-154.

194. Accordingly, Plaintiff is entitled to relief for Defendants' retaliation.

195. Defendants are not entitled to qualified immunity for retaliating against protected speech and petitioning activity under clearly established law. The Fifth Circuit's prima facie test requires: (1) protected activity, (2) an adverse action that would deter a person of ordinary firmness, and (3) a causal link. Keenan v. Tejeda, 290 F.3d 252, 258 (5th Cir. 2002). It was clearly established that public officials may not impose materially adverse actions substantially motivated by protected speech, and that disciplinary/exclusion decisions may not be used as a pretext to punish protected petitioning and speech activity. Plaintiff's retaliation theory does not depend on any alleged violation of internal policy or on any requirement that officials tolerate true threats.

196. This claim is based on Defendants' retaliatory acts and publications pleaded above. Any hearing testimony is referenced as evidence of motive, knowledge, and context.

197. Clearly established law (QI). It was clearly established at the time of the events alleged that state officials may not take materially adverse action against an individual in retaliation for protected speech and petitioning.

COUNT 6 - ADA Title II and § 504 Retaliation/Interference (Damages under § 504; Prospective Relief under Title II)

198. Plaintiff engaged in protected activity under the ADA and § 504 by requesting disability accommodations and effective-communication supports (including for the December 11, 2023 disciplinary proceeding), providing disability documentation, objecting to the denial of accommodations and lack of notice, filing grievances about mistreatment and process, and requesting a name-clearing hearing. See ¶¶38-48, 51-65, 92-106.

199. The ADA prohibits retaliation against and interference with the exercise of ADA rights. 42 U.S.C. § 12203(a)-(b).

200. After Plaintiff engaged in protected activity, Defendants escalated materially adverse actions including: (a) proceeding without SDS accommodation determination and excluding accommodation evidence (¶¶41-48, 145); (b) one-sided procedural constraints (¶¶51-64, 145); (c) emergency removal, CTW, and dismissal (¶¶90, 127-128, 149); and (d) threat-imputing communications to third parties (¶¶115-121, 152, 153-154).

201. Causation is plausibly alleged through the following chain of disability-targeting actions:

(1) TTUHSC's own personnel characterized Plaintiff's behaviors as disability-related from May through October 2023. Clinical evaluators Brown and Zavala characterized Plaintiff's transparent communication style as "social skills deficits" and questioned whether Plaintiff's behaviors were intentional or involuntary—the defining question of disability versus misconduct. TTUHSC's own professionalism coach, Dr. Erwin, documented in her first session notes that Plaintiff "lacks basic social skills," exhibited "a lot of distractibility," and that her "subjective assessment" was that Plaintiff was "probably on the spectrum of autism." Plaintiff — told to be open about areas for improvement (¶142D) — was genuinely open with Brown and Zavala about his experiences in order to seek feedback and improve. They used that openness to build the professionalism case against him at SPPCC, converting honest self-assessment into evidence of

unfitness. Plaintiff himself raised autism at his SPPCC appeal, asking the committee directly: "Is that a professionalism issue if I have autism? ... simply being anxious or maybe even being socially awkward in that rotation, is that a professionalism violation?" A psychiatry resident on the committee responded: "well, so what if you do, that's not a professionalism issue" — confirming that the committee understood the disability dimension of what was being treated as misconduct. Despite this exchange, the SPPCC placed a professionalism remark on Plaintiff's record. Plaintiff's professionalism scores track administrative arrangements, not clinical functioning. They doubled between OB-GYN (75%) and Psychiatry (~95%) — a rotation with independent evaluators outside the complaint pipeline (the single Psychiatry-era complaint was itself administratively originated through student affairs, not the department (¶102)) — then crashed again in Pediatrics, where Wilson was coordinating, Eboh was communicating with Wilson, and Jensen cross-referenced Nunez's complaint without ever observing Plaintiff (¶¶96-98). Twenty-five hours of contemporaneous audio recordings spanning these rotations show that Plaintiff's actual clinical performance was consistently high throughout (¶142B). A character deficiency would produce consistently poor scores regardless of evaluator. This evaluator-dependent pattern is consistent with coordinated retaliation, not student deficiency — the scores changed when the administrative pipeline changed, not when Plaintiff did. Despite this contemporaneous awareness at every level—evaluators, professionalism coach, Plaintiff himself, and the SPPCC committee—TTUHSC treated behaviors its own personnel had characterized as disability-related as misconduct rather than triggering an interactive process, evaluation referral, or accommodation. The behaviors the institution pathologized — being transparent, following instructions literally, being open about areas for improvement — did not impair Plaintiff's clinical functioning, as twenty-five hours of contemporaneous audio recordings confirm (¶142B). Plaintiff's ASD-consistent communication style — compulsive honesty, literal compliance with directives, transparent self-disclosure — is the throughline of this entire case. It is what drew institutional attention in the first place: the social media posts were honest expression (¶¶92-106); the self-criticism that became adverse evaluations was honest self-assessment (¶142D); the

grievances that became "retaliatory harm" were honest complaints about real problems (¶58); the CPS report was honest compliance with a legal obligation (¶142C). Once the institution targeted Plaintiff, the same honesty made him unable to protect himself — he could not be strategically silent, could not stop disclosing vulnerabilities to people building a case against him, and could not stop trusting institutional directives that were designed to trap him. TTUHSC's own personnel identified this vulnerability — Erwin documented that Plaintiff "lack[s] political intelligence surrounding the way that [his] behaviors and words impact other people" — and rather than accommodating it, the institution exploited it (¶¶38-48);

(2) On December 8, 2023, counsel formally notified Board Chair Morales and SDS of Plaintiff's ASD, ADHD, and GAD diagnoses and requested hearing accommodations (¶161);

(3) SDS never processed Plaintiff's December 8 disability application or December 11 hearing accommodation request—no Letter of Accommodation, no acknowledgment, no interactive process (¶161);

(4) On December 11, Gibson excluded disability evidence as "outside scope," denied Plaintiff's neuropsychological expert witness, and then—the same morning—added Dr. Erwin as a prosecution witness, demonstrating that the exclusion targeted disability evidence specifically rather than reflecting any logistical constraint (¶¶48, 145);

(5) TTUHSC's own Threat Assessment Review (TAR Question 8) expressly linked Plaintiff's grievance activity—protected under the ADA—to the determination that Plaintiff posed a harm, using the exercise of protected rights as evidence against him;

(6) TTUHSC's own Counseling Center Director wrote to the Board Chair three days before the hearing that Plaintiff was "not a danger to anyone" and recommended that Plaintiff "be allowed to continue his medical education"; the Board proceeded to dismissal three days later (¶56);

(7) Defendant Cobbs immediately terminated Plaintiff's only support relationship (Dr. Erwin) upon learning Plaintiff had filed a state lawsuit—protected activity under the ADA (¶205);

(8) The Board rejected Plaintiff's disability as "retroactive leniency," treating the diagnosis itself as a strategic maneuver rather than engaging with the accommodation obligations it triggered.

Defendants offered performative accommodations—water, snacks, and breaks—while denying every substantive disability accommodation requested, demonstrating awareness of their obligations paired with deliberate circumvention. The temporal proximity and escalation described in ¶¶84-120, combined with Defendants' contemporaneous documentation of Plaintiff's disability-related needs (¶¶38-48), support a causal connection between protected activity and adverse action.

202. Decade of ADA-Protected Activity. Plaintiff has a documented history of exercising ADA-protected rights predating TTUHSC: accommodation requests at prior institutions, disability-related grievances, and statutory complaints dating to 2014. This sustained pattern of disability self-advocacy establishes that TTUHSC's adverse actions were responses to an identifiable history of exercising rights the ADA specifically protects.

203. TTUHSC's own anti-retaliation regulation (TTUS Reg. 07.10 §5.e, quoted in ¶79) prohibits retaliation against anyone who opposes discriminatory practices or participates in complaints. Defendants' adverse actions violate their own governing regulation.

204. Defendants also interfered with Plaintiff's exercise of ADA/§ 504 rights by excluding accommodation evidence as outside the scope for hearing-process purposes and by forcing Plaintiff to proceed without the modifications necessary for meaningful participation, thereby coercing abandonment of accommodation disputes as a practical matter. See ¶¶48, 145.

205. Cobbs Terminated Plaintiff's Support Relationship After Lawsuit Filing. After Plaintiff filed his state court lawsuit on November 13, 2023, Defendant Cobbs immediately directed Dr. Erwin (Plaintiff's professionalism coach and support person) to cease all contact with Plaintiff. Erwin testified at the December 11, 2023 hearing: "I spoke with Dr. Cobbs today and she informed me that Kevin has filed a legal complaint against TTUHSC and all further correspondence must go through [legal]." Erwin further stated: "The lawsuit was filed before I

was able to have more sessions." Filing a lawsuit is protected activity under the ADA. Cobbs's directive terminated Plaintiff's only support relationship during the critical pre-hearing period—an adverse action with clear temporal proximity to and causal connection with the protected litigation activity. This retaliation deterred Plaintiff from receiving the disability-related support he needed in the weeks before the highest-stakes proceeding of his academic career.

206. Plaintiff seeks (a) economic damages against TTUHSC for retaliation/interference under § 504 and (b) prospective injunctive relief under Title II, limited as stated in Count 2, to prevent further retaliation/interference and to require Title II-compliant effective communication measures in any future TTUHSC proceeding involving Plaintiff (including a Court-ordered name-clearing hearing). Plaintiff does not seek emotional- distress damages under § 504.

207. Plaintiff independently pleads the same § 504 intent theory described in ¶¶162-163 and pleads that TTUHSC's retaliation/interference was intentional—undertaken with knowledge of Plaintiff's protected activity and in conscious disregard of the known risk of deterring that activity.

COUNT 7 - Name-Clearing Hearing (Prospective Relief) via § 1983 and Ex parte Young - Against McSween, Cobbs, Williams, Rice-Spearman, and D'Agostino (Official Capacities)

208. Defendants, acting under color of state law, have caused and continue to cause dissemination of stigmatizing, materially false threat-imputing implications to third parties in connection with pleaded alterations of Plaintiff's legal status, as described in ¶¶115-121, 153-154. "Made public" and "falsity" are defined in ¶177. The stigma remains ongoing, compounding, and unremediated as described in ¶177A.

209. The official-capacity defendants named in Count 7 are sued only to the extent each has a sufficient implementation connection to the prospective process relief requested: (a) McSween, as registrar/status-verification gatekeeper for non-transcript status communications (¶143); (b) Cobbs and Williams, as student-affairs/academic-affairs officials alleged to have participated in and maintained the challenged exclusion directives and communications (¶129-131); (c) Rice-Spearman and D'Agostino, only to the extent of their cabined authority described in ¶126.

210. Plaintiff continues to face ongoing and imminent harm from the continuing risk of disclosure and re-issuance of the challenged threat-imputing communications and status verifications. See ¶153-154.

211. Concrete Ongoing Harm. The documented third-party denials (¶152) and ongoing transcript publications (¶153) are not hypothetical—they are concrete, recurring harms caused by TTUHSC's continuing status publications. The unremediated dangerousness characterizations are now indexed by search engines, legal databases, and AI-driven information systems (¶177A), compounding the stigma with each background check and internet search of Plaintiff's name. Every day without corrective action deepens the harm.

212. Plaintiff requested a name-clearing hearing addressing the stigmatizing implication that he posed a safety threat. Defendants have refused and/or failed to provide such a hearing.

213. The December 11, 2023 proceeding did not satisfy the name-clearing requirement because it was not convened or structured to address the dangerousness stigma, disability supports were denied, and evidence gating prevented rebuttal of the threat-imputing implication. See ¶182. Moreover, the proceeding included no mechanism for corrective communication to third-party recipients of the BOLO and exclusion directives—even a favorable outcome would not have undone the publication. Post-publication name-clearing hearings are proper in the Fifth Circuit. See Wells v. Hico Indep. Sch. Dist., 736 F.2d 243 (5th Cir. 1984); White v. Thomas, 660 F.2d 680 (5th Cir. 1981); In re Selcraig, 705 F.2d 789 (5th Cir. 1983).

214. Plaintiff seeks only prospective, procedural relief: (a) an order requiring Defendants to provide a constitutionally adequate name-clearing hearing within a timeframe set by the Court, limited to the stigmatizing implication that Plaintiff posed a safety threat and with reasonable disability accommodations; and (b) pending that process, an order requiring that any new non-transcript exclusion/status communications about Plaintiff to third-party clinical affiliates or gatekeepers be limited to neutral status information and not include new threat-imputing characterizations (as defined in ¶215) except as required by a specific legal obligation. Plaintiff does not seek in this action any order directing changes to the official transcript record or enforcing OP 77.13 / Tex. Gov't Code § 559.004 record-procedure requirements. Plaintiff does not seek a transcript correction, expungement, or annotation order in this Court.

215. As used herein, "threat-imputing" refers to communications that characterize Plaintiff as dangerous or requiring security escalation, as opposed to neutral statements of enrollment/status made without such characterizations.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and grant the following relief:

A. Declare that the challenged practices and continuing disclosures alleged in ¶¶153-156 and the violations pleaded in Counts 1-7 violate Title II of the ADA, § 504 of the Rehabilitation

Act, and the First and Fourteenth Amendments as applicable, to the extent they continue or are likely to recur.

B. Award economic damages proximately caused by the violations pleaded (including the economic losses pleaded in ¶149) and nominal damages where permitted, against the proper defendants and only to the extent authorized for each claim.

C. Enter prospective injunctive relief pursuant to Ex parte Young and Fed. R. Civ. P. 65, limited to non-duplicative, non-record-procedure relief only, including: (1) a constitutionally adequate name-clearing hearing limited to the dangerousness stigma, with written notice, a meaningful opportunity to present evidence, a recorded proceeding, a written decision, and Title II-compliant effective-communication measures; (2) interim limits on new non-transcript threat-imputing communications to third parties pending completion of the name-clearing process; and (3) if the Court finds Defendants disseminated threat-imputing communications without adequate process, a neutral corrective clarification to known third-party recipients.

D. Enter an order requiring Defendants and all persons acting in concert with them to preserve all documents, electronically stored information, and associated metadata reasonably related to Plaintiff and the acts, events, decisions, and communications described in this Complaint during the pendency of this action.

E. Award costs of court and, to the extent permitted by law, reasonable attorney's fees if counsel appears.

F. Award post-judgment interest as permitted by law.

G. Grant such other and further relief as the Court deems just and proper, consistent with the limitations stated in this Complaint.

H. If the Court identifies any pleading deficiency, grant Plaintiff leave to amend to cure that deficiency consistent with Rule 15(a).

JURY DEMAND

Plaintiff demands a jury on all issues so triable.

DATED: February 14, 2026

Respectfully submitted,

/s/ Kevin N. Bass
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Pro Se Plaintiff

VERIFICATION (28 U.S.C. § 1746)

I, Kevin N. Bass, declare under penalty of perjury that the foregoing is true and correct based on my personal knowledge, except as to matters stated on information and belief, and as to those I believe them to be true.

Executed on February 14, 2026.

/s/ Kevin N. Bass

CERTIFICATE OF SERVICE

I certify that on February 14, 2026, I served this Third Amended Complaint by the method of service authorized by the Court and applicable rules on all counsel of record.

/s/ Kevin N. Bass

Kevin N. Bass

END OF THIRD AMENDED COMPLAINT