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SECTION I. PURPOSE

The University of St. Thomas mission and convictions embody the University’s commitment to promote and protect the personal dignity and well-being of every member of the St. Thomas community. Sexual harassment, sexual assault and other forms of sexual misconduct violate that commitment and are not tolerated in our community. Moreover, they constitute unlawful sex discrimination. All forms of sexual misconduct are prohibited by St. Thomas.

The St. Thomas mission and convictions also embody the University’s strong commitment to academic freedom, rigorous thinking and the free and full pursuit of knowledge and truth by every member of the St. Thomas community. The prohibition on se6 (i)5.7 (on)0.5 (on)0.5 (h)2.3 (a)-13. 2 (d)6.6 (om)2i (o

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- The conduct is unwelcome.
- The conduct is based on gender, sex or sexual orientation.
- The conduct unreasonably interferes with, denies or limits someone's ability to participate in or benefit from St. Thomas employment, educational programs and/or activities.

Sexual harassment includes both verbal and/or physical conduct. Sexual harassment can be between people of the same gender or between people of different genders. Whether conduct constitutes sexual harassment under this policy will be determined based on the facts and circumstances. A single incident of conduct may constitute harassment depending on the facts and circumstances. In many cases, however, a finding of harassment will require a pattern of unwelcome conduct.

Examples of sexual harassment may include, but are not limited to:

- Punishing a refusal to comply with a sexual request.
- Offering a benefit (such as a grade, promotion or athletic participation) in exchange for sexual favors or other verbal or physical conduct of a sexual nature.
- Repeatedly subjecting a person to unwelcome sexual attention or sexual advances, whether on-

- Consent may not be obtained through threats or coercion.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity. A person who would like to initiate a new form of sexual activity is responsible for obtaining consent for that form of sexual activity.
- Consent, once given, may be withdrawn at any time. Withdrawal of consent must be clearly communicated through words or conduct. When consent is withdrawn, the sexual activity must stop.
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Warning Signs That a Person May be Incapacitated or May be Approaching Incapacitation

Common signs that should alert a reasonable person that another person be incapacitated or approaching incapacitation due to alcohol or other drug use may include, without limitation:

- Impaired control over physical movements and/or loss of coordination (for example, stumbling, swaying, loss of balance, shaky equilibrium, or difficulty walking or standing);
- Significant confusion regarding circumstances or surroundings (for example, lack of awareness of where one is, how one got there, or who one is with);
- Impaired ability to effectively communicate for any reason (for example, slurred speech, difficulty finding words);
- Repeating the same story or statement multiple times without apparent awareness of the repetition;
- Inability to dress/undress without assistance;
- Inability to perform physical or cognitive tasks without assistance;
- Bloodshot, glassy or unfocused eyes;
- Vomiting; or
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f Force

Force means the infliction, attempted infliction or threatened infliction of bodily harm or the act or threat of any other crime, violent activity or wrongdoing. Force may include the use of physical violence, threats, or intimidation (implied threats). Examples of force include but are not limited to:

- punching, slapping, kicking or pushing;
- restraining another person;
- strangulation;
- brandishing or using any weapon;
- threats to harm a person physically; and
- blocking or preventing access to an exit.

3. Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for the person's own advantage or benefit or to benefit or advantage anyone else and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation may include, but are not limited to:

- Unauthorized sharing or distribution of digital, video, audio, electron6 (s)26e0 Td()Tj9 (v)-2 (i)5.7 (d)-5(t)6.

- the frequency of interaction between the persons involved in the relationship.

Dating violence is prohibited by Minnesota law. *See Minnesota Statutes Section 518B.01 et seq.*

Dating violence encompasses a broad range of behaviors. Examples of dating violence may include, but are not limited to:

- Physical harm, bodily injury or assault, including sexual assault.
- Destruction or vandalism of personal property.
- Threats of violence towards the victim, other individuals or animals.

For purposes of this policy, dating violence also includes a pattern of behavior used to coerce, dominate or isolate one's current or former partner in an intimate or romantic relationship. The existence of such a pattern will be determined based on all the facts and circumstances. Examples of behaviors that may be part of such a pattern include, but are not limited to:

- Emotional or psychological abuse.
- Preventing a partner from seeing family or friends.
- Pressuring a partner to quit job or activities.
- Attempts to sabotage a partner's housing, job, education, or club or other organizational involvement.
- Transferring into a partner's class or activities to monitor their behavior.
- Economic coercion or excessive monitoring of a partner's spending.
- Denying a partner's use of or access to owned or shared assets.

5. Domestic Violence

Domestic violence is a felony or misdemeanor crime of violence committed by:

- the victim's current or former spouse or intimate partner;
- a person with whom the victim shares a child;
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- a person similarly situated to a spouse under domestic or family violence law; or
- anyone else against a victim who is protected under applicable domestic or family violence laws.

Domestic violence is prohibited by Minnesota law. *See Minnesota Statutes Section 518B.01 et seq.*

Examples of conduct that constitutes dating violence may constitute domestic violence when it occurs between spouses or persons similarly situated or protected under Minnesota's domestic violence laws. *See Minnesota Statutes Section 518B.01 et seq.*

6. Stalking

Stalking is a course or pattern of two or more acts of unwelcome and unwanted conduct directed towards a specific person that would cause a reasonable person under the circumstances to feel

frightened, threatened, oppressed or intimidated or to suffer substantial emotional distress. Stalking is prohibited by Minnesota law. *See Minnesota Statutes Section 609.749.*

Stalking behavior may include, but is not limited to:

- Unwanted and repeated communications by phone, mail, text message, email and/or other electronic communications, including social media.
- Repeatedly leaving or sending the victim unwanted items, presents or flowers.
- Following or lying in wait for the victim at places such as home, school, work or recreational facilities.
- Making direct or indirect threats to harm the victim or the victim's children, relatives, friends or pets.
- Damaging or threatening to damage the victim's property.
- Posting or spreading false or private information about the victim on the internet, in a public place, or by word of mouth.
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notify the Title IX Coordinator promptly after becoming aware of an incident or allegation of sexual misconduct involving a Covered Person, unless they meet one of the exemptions in the next paragraph. This report may be made online but may not be made anonymously. The report helps ensure that St. Thomas responds appropriately and fulfills its obligations relating to any incident. Required reporting also enables the Title IX Coordinator to track trends within the community and provide appropriate consultation regarding resources, support, and other questions involving the University's policy and procedures for addressing reports of sexual misconduct. In most cases, any employee or Board member who is not an Official with Authority may withhold the Reporting Party's name and/or other identifying details when contacting the Title IX Coordinator consistent with a request from the Reporting Party.

St. Thomas faculty and staff who learn of sexual misconduct while serving as a Confidential Resource are not required to notify the Title IX Coordinator. In addition, faculty or staff members or Board of Trustee members who have a professional license requiring confidentiality of communications with a patient or client (e.g., a law license, psychology license or social work license) are not required to notify the Title IX Coordinator about information that their professional license requires them to keep confidential.

2. Reporting by Other Covered Persons Encouraged

St. Thomas encourages, but does not require, all other persons who become aware of an incident or allegation of sexual misconduct to promptly report the incident or allegation to the Title IX Coordinator. Before deciding whether to report, St. Thomas encourages such persons to review the confidentiality, amnesty and protection from retaliation provisions set forth in Section V.B.3 of this policy.

D. Clarification Regarding Public Awareness Events and Campus Surveys

St. Thomas supports public awareness events that further campus-wide education and prevention efforts. An individual's comments about an incident or allegations of sexual misconduct at these events will not be considered a report to St. Thomas for the purpose of triggering the response and resolution procedure or a required report by faculty, staff or a member of the Board of Trustees to the Title IX Coordinator.

In addition, St. Thomas may, from time to time, conduct surveys to gauge attitudes about sexual misconduct and awareness of campus resources. These voluntary surveys will contribute to the University's understanding of the campus climate and student safety at St. Thomas. The disclosure of incidents of sexual misconduct in responses to survey questions will not be considered a report to St. Thomas for the purpose of triggering an investigation of a particular incident or a required report by faculty, staff or a member of the Board of Trustees to the Title IX Coordinator.

SECTION VI. Obligations of St. Thomas Community Following Report

A. Response and Resolution Procedures

When the Title IX Coordinator becomes aware of an incident or allegation of sexual misconduct, the Title IX Coordinator will take steps to in

or against a Covered Person are addressed in a timely and appropriate manner. St. Thomas recognizes that each case is unique and reserves the flexibility, at the discretion of the Title IX Coordinator or designee, to authorize departures from the response and resolution procedures as warranted by the circumstances and consistent with state and federal laws and regulations. In addition, the Title IX Coordinator and the officials designated in Appendix A to manage the response and resolution procedures have authority, alone or together, to take reasonable steps to protect the St. Thomas community or any individual member of the St. Thomas community from sexual misconduct, regardless whether such steps are explicitly contemplated in this policy or the related procedures.

In cases involving domestic violence, dating violence, sexual assault and stalking and in other cases involving safety concerns, the safety of the Reporting Party and the community is of primary importance. St. Thomas will consult with the Reporting Party and with other resources to

D. No Retaliation

St. Thomas, and federal and state law, prohibit retaliation against individuals for raising concerns about or making reports of sexual misconduct in good faith. No student, faculty or staff will be reprimanded or retaliated against for notifying St. Thomas about potential incidents of sexual

Human Resources Business Partners
Room 217, Aquinas Hall
(651) 962-6510
[Human Resources Website](#)

Department of Public Safety
St. Paul: Morrison Hall, 1st Floor
Minneapolis: School of Law, 1st Floor
(651) 962-5100
[Public Safety Website](#)

Online Reports: [St. Thomas Title IX Website](#)

C. On-Campus Confidential Resources

Counseling and Psychological Services
Center for Well-Being
33 South Finn Street

(651) 962-6750
[Counseling and Psychological Services Website](#)

Health Services
Center for Well-Being
33 South Finn Street
(651) 962-6750
[Health Services Website](#)

D. Other Campus Support Services and Resources

[Sexual Assault Response Information](#)
[University of St. Thomas Office for Campus Ministry](#)
[University of St. Thomas Employee Assistance Program](#)

Students seeking accommodations for a disability in connection with the response and resolution procedures may contact [Disability Resources](#).

E. Off-Campus Resources

Services offered by off-campus resources are not controlled by St. Thomas and may change without notice to St. Thomas. Individuals are encouraged to contact resources directly for more information about provided services.

Police
St. Paul or Minneapolis: 911
Rome: 112

Sexual Assault Nurse Examiners (SANE) available at area hospitals (Confidential Resources)

[Regions Hospital](#) (Confidential Resource)

[OutFront Minnesota](#)

24-hour anti-violence crisis support line for LGBTQ victims
1-800-800-0350, option 3

[Casa de Esperanza](#)

St. Paul, Minnesota
(651) 772-1611 24-Hour Bilingual (English and Spanish) helpline

There are many other culturally specific support services in Minnesota. Please contact the [Title IX Office](#) for additional resources.

F. Crime Victim Services and Legal Information

[Minnesota Crime Victims Bill of Rights](#)

Under Minnesota law, crime v ves. (a)-1.24.520G) h a7 Td[(0.5 (E)3-6.3 -1.2 (7 T.5 (t)6.6 (a) (c)-2.1 (r)-35.8 (c)-of (a



Appendix A to Sexual Misconduct Policy

Response and Resolution Procedures

Date of initial publication: June 10, 2014

Date of latest revision: November 9, 2021

St. Thomas is committed to the prompt, impartial and equitable resolution of reports of sexual misconduct that may violate University policy. This document explains the internal procedures St. Thomas generally follows to investigate and adjudicate such reports. These provisions are intended to be flexible so as to allow St. Thomas to fulfill its educational mission and maintain a safe, non-discriminatory learning and working environment. The Title IX Coordinator or designee has discretion to authorize departures from these provisions when warranted by the circumstances. These procedures are not intended to replicate or replace the process followed by law enforcement or the courts in connection with alleged violations of criminal law.

As described in the Sexual Misconduct Policy (“policy”), federal regulations require St. Thomas to follow certain processes when responding to Title IX-based sexual misconduct, which includes some but not all of the sexual misconduct prohibited by St. Thomas. St. Thomas has determined that it can provide the greatest degree of clarity and equity to community members by generally using the same procedures to respond to Title IX-based sexual misconduct as it uses for other types of sexual misconduct.

SECTION IV. INITIATION OF RESPONSE AND RESOLUTION PROCESS

A. Notice to the Title IX Coordinator and Response Manager

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resolution process, even in cases where there was insufficient evidence to establish responsibility of the Responding Party for violating the policy. Such reasonable supportive measures may include a mutual no-contact order from St. Thomas or assistance to the Reporting Party in transferring to alternative classes or University housing, when such classes or housing are available and the transfer is feasible. The Responding Party may request similar reasonable supportive measures to shield the Responding Party from unwanted on-campus conduct by the Reporting Party. The Response Manager will consider and make determinations with respect to such requests.

3. Consideration of Potential Academic Freedom Issues as Part of Initial Assessment

If the Responding Party is a faculty member alleged to have engaged in sexual harassment of the Reporting Party, the Response Manager will consider, in consultation with the dean of the respective school or college (or, if the dean has a conflict of interest, with the provost or the provost's designee), whether there is a perceived or potential conflict between (a) the limitations on conduct and communications implied by the definition of sexual harassment under the policy and (b) the principles of academic freedom as defined by the AAUP Principles and Comments.

4. Emergency Removal Process

In certain cases, the Response Manager, in consultation with the Title IX Coordinator and other appropriate St. Thomas officials, will determine that emergency removal of the Responding Party from their educational program or activity or the St. Thomas campus is necessary pending the completion of the resolution process.

In order to determine if an emergency removal is necessary, St. Thomas will conduct an individualized safety and risk analysis. If St. Thomas determines that there is an immediate threat to the physical health or safety of any student or other individual, including the

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After a Formal Complaint is filed, the Reporting Party will be referred to as the “Complainant,” and the Responding Party will be referred to as the “Respondent.”

Alternative Resolution Process may not be utilized for Title IX-based sexual misconduct when allegations involve an employee Respondent who has sexually harassed a student Complainant.

A. Notice Provided to Parties

At the initiation of the Alternative Resolution Process, parties will be

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objects to the remedies by requesting the Formal Process, the remedies will be entered and considered final.

In cases in which the remedies imposed included disciplinary sanctions against the Respondent, the results of the Alternative Resolution Process are final and will not be changed, except in extenuating circumstances and at the sole discretion of the Title IX Coordinator.

Any resolutions reached in the Alternative Resolution Process must be documented and approved by the Title IX Coordinator (in cases in which the Response Manager is not the Title IX Coordinator) to ensure consistency with the University's Title IX obligations.

SECTION VI. FORMAL PROCESS

The Formal Process generally is used when: (1) a Reporting Party files a Formal Complaint and requests that St. Thomas investigate and adjudicate allegations of sexual misconduct using the Formal Process; (2) St. Thomas determines that use of the Formal Process is necessary based on the totality of the circumstances as described in Section IV.E and the Title IX Coordinator signs a Formal Complaint; or (3) either the Reporting Party or the Responding Party requests or the Title IX Coordinator determines that the Alternative Resolution Process end and the Formal Process be used. As noted above, once a Formal Complaint is filed, the Reporting Party will be referred to as "Complainant," and the Responding Party as "Respondent."

A. Equitable Process for Reporting Party and Responding Party

In the Formal Process, the responsibility lies with St. Thomas to gather evidence sufficient to reach a determination regarding responsibility based on the preponderance of evidence standard. Additionally, the Complainant and Respondent can expect the following:

- equitable procedures that provide both parties with a prompt and impartial investigation

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1. Submission of Signed Complaint

The Complainant must submit a Formal Complaint (as defined in Section I) to the Title IX Coordinator. If the Complainant does not wish to pursue the Formal Process and St. Thomas decides to initiate the Formal Process, then the Title IX Coordinator may sign and submit the Formal Complaint.

2. Assignment of Investigator

The Response Manager will appoint one or more Investigators.

Investigator(s) may be trained St. Thomas employee(s) or trained external Investigator(s), as determined in the sole discretion of the Title IX Coordinator. The Response Manager, if different from the Title IX Coordinator, will consult with the Title IX Coordinator to select the appropriate Investigator(s). Before appointing the Investigator(s), the Response Manager will consider potential conflicts of interest to ensure the appointed Investigator(s) are capable of conducting an impartial factfinding investigation.

3. Determination of Whether Live Hearing is Required in Non -Title IX -Based Sexual Misconduct Matters

In matters of non-Title IX-based sexual misconduct in which either or both parties are students, the Response Manager will review the Formal Complaint and make a determination, as to whether suspension or expulsion are warranted. The Response Manager will also determine if a live hearing is required. In matters of non-Title IX-based sexual misconduct in which either or both parties are students, the Response Manager will review the Formal Complaint and make a determination, as to whether suspension or expulsion are warranted. The Response Manager will also determine if a live hearing is required.

- Address the party's questions about the policy and the Formal Process and discuss whether the party has concerns about any potential conflicts of interest that could affect the process.
- Discuss any anticipated follow-up by St. Thomas that the parties can expect.

6. Investigation

a. Factfinding Process

The Investigator(s) will conduct an impartial inquiry into the facts and circumstances related to the Complaint. At a minimum, the Investigator(s) will seek to interview the Complainant and Respondent. While the structure of the factfinding process may vary depending on the circumstances of each matter, the process will generally include: one or more interviews of each party by the Investigator(s), interviews by the Investigator(s) of witnesses, review by the Investigator(s) of other available evidence, and an opportunity for each party to review and respond to summaries of witness interviews and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

b. Principles for the Collection and Consideration of Evidence

The Investigator(s) have authority and discretion to determine the scope of the investigation and to request potentially relevant information, documentation, other materials and interviews from individuals as the deem appropriate. The Investigator(s) have authority, at their discretion, to weigh evidence collected during the investigation, including the credibility of the parties and witnesses and the appropriateness, relevance and significance of information collected during the factfinding investigation. In matters that result in a live hearing, the Investigator(s) will make a recommendation regarding responsibility based on their investigation and utilizing the Preponderance of the Evidence standard. The hearing panel may consider the recommendation of the Investigator(s), but ultimately must make its own independent determination regarding responsibility based on the facts and evidence available and presented in the hearing as described below. In matters that do not result in

may not have all the relevant evidence when making a determination regarding responsibility.

- Expectation of Truthfulness. The Complainant, the Respondent, and all witnesses are expected to provide truthful information to the Investigator(s).
- Expectation of Timely and Prompt Cooperation. In order to ensure completion of the investigation in a timely manner, parties are expected to make themselves available to meet with Investigator(s) at the requested times. Investigator(s) schedule meetings at times that do not conflict with the class schedule of student and faculty parties and make reasonable efforts to accommodate other scheduling needs of a party. In order to assure a timely process, the Investigator(s) may deny a party's request to re-schedule meetings. If a party wishes to have an advisor accompany them to meetings with the Investigator(s), the advisor is expected to arrange to be available to meet at the time designated by the Investigator(s).
- Ability to Identify Witnesses and Provide Evidence. Both parties will be provided an opportunity to identify potential fact and expert witnesses and to provide documents, communications (such as email or text messages), photographs, video and other evidence to

- Medical Records. A party's medical and counseling records are confidential and are not accessible to the Investigator(s) without the consent of the party who is the subject of the record. Parties are not required or expected to share medical records. Parties may choose voluntarily to share all or a portion of such information in the party's sole discretion. Sharing private medical information may have consequences. Parties are encouraged to speak with someone they trust, including their medical provider(s), their attorney if they have one, or their advisor before making a decision of whether to share medical records. Complainants who have filed a criminal complaint also may want to speak with the investigating agency. If a party voluntarily chooses to share information from medical or counseling records with the Investigator(s), relevant portions of the medical records and/or a summary of those records, like other evidence, will be made available for the other party to review consistent with the "Opportunity to Respond to Evidence" paragraph above.
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conduct and communications implied by the definition of sexual harassment under the policy and (2) the principles of academic freedom, the Investigator(s) will work with the dean, provost or the provost's designee (as applicable) to ensure the appropriate application of the AAUP Principles and Comments.

c. Status Updates

The Investigator(s) will provide status updates to the Complainant and Respondent at least monthly during the investigation and as necessary to alert them of any material changes in time estimates for completing the investigation.

d. Notice of Close of Investigation

As the investigation nears its end, the Investigator(s) will provide written notice to the Complainant and Respondent of the pending close of the investigation and a final deadline by which additional evidence or information must be submitted for consideration by the Investigator(s).

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student parties, the hearing will be scheduled so as not to conflict with student class schedules. To ensure prompt and equitable conclusion of the process, parties are expected to make themselves available to the greatest extent possible so a hearing can be scheduled promptly following completion of the final factfinding report. Parties will have two (2) calendar days to inform the Response Manager in writing of any conflict that prevents them from attending the scheduled hearing. In the absence of such notice or other unique circumstances, the hearing will move forward on the scheduled date, regardless of whether both parties or Hearing Advisors are present. If a party is present but the Hearing Advisor is absent without timely notice as described above, the University reserves the right to move forward with the hearing utilizing a University-provided Hearing A

i. Sanctions Determination

1. Title IX -Based Sexual Misconduct and Certain Non -Title IX -Based Sexual Misconduct Sanction Determination

In matters involving Title IX-based sexual misconduct or involving non-Title IX-based sexual misconduct in which the potential sanctions include a student's suspension or expulsion, the hearing panel will determine appropriate sanctions. The hearing panel will consult with relevant St. Thomas officials, generally those identified in the chart below or their designee, as part of the sanction 3 ()-12.1 (d)4(f th)-6d.1 tT04 4 (f th)-6.5 hu(o)-7.3 (n)-6.5 (

2. Submitting an Appeal

A written request for an appeal must be submitted to the Title IX Coordinator within five (5) working days following the date that notification of the outcome of the investigation was sent to the appealing party. The written request for appeal must include a notice of appeal and a signed, written statement, not to exceed 2,000 words, clearly identifying the applicable grounds for appeal, as described in Section V.E.1 above, and the reason(s) for the appeal with respect to each ground identified. The notice of appeal and the written statement may be submitted together or separately.

3. Supportive Measures

Consistent with the provisions of Section IV.C.1, following the submission of a notice of appeal, the Response Manager, in consultation with appropriate administrators, will determine appropriate supportive measures designed to protect the safety of all parties or the University's educational environment or to deter sexual harassment, protect the community and the parties while the appeal is pending. The Response Manager shall notify the Complainant and the Respondent of such supportive measures. Examples of supportive measures are listed in Section IV.C.1.

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members selected in accordance with the Faculty Handbook process for appointing grievance hearing committees.

In matters in which the Respondent is a student and in matters in which the Respondent is another individual who is not a student or employee, the Appeal Officer may consider the appeal directly or the Appeal Officer may, using personal discretion, appoint an appeal board of three to five employees who are faculty or staff members (not student workers).

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- f. copies of the notices of outcome provided to the parties related to the factfinding;
8. In matters where the Formal Process is used:
- a. a copy of the Formal Complaint;
 - b. the preliminary factfinding report (if applicable) and the final factfinding report;
 - c. copies of any statements provided by the parties or witnesses, including responses to the preliminary factfinding report (if applicable);
 - d. evidence submitted by the parties;
 - e. A recording or transcript of the hearing;
 - f. The hearing panel determination regarding responsibility;
 - g. appeal request, if any;
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