



# Educational Resource Facilitators of Peel

## CONSTITUTION

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### **Article I - Name**

The Union shall be known as the Educational Resource Facilitators of Peel (ERFP).

### **Article II – Objectives of the Union**

Objectives of the Educational Resource Facilitators of Peel shall be:

1. to promote a high standard of professional ethics,
2. to promote, safeguard and advance the interests of the membership,
3. to secure the best possible terms and conditions of employment for the membership,
4. to promote professional development for the membership,
5. to provide a forum for communication and support for the membership,
6. to actively promote and advance the professional status of the Educational Resource Facilitators of Peel, and
7. to protect collective bargaining rights of the Educational Resource Facilitators of Peel.

### **Article III - Membership**

A Member is any person employed by the Peel District School Board, who pays Union dues to the Educational Resource Facilitators of Peel and who has not otherwise been suspended pursuant to this Constitution.

### **Article IV - Fees**

Each Member of the Union shall pay Union dues bi-weekly, via source deduction. The percentage rate is determined by the Executive and voted upon by the Members at the Annual General Meeting. Suspended Members are still required to pay Union dues. A special levy may be instituted where the Executive determines it is needed. Such a levy can only be instituted after Membership approval and with thirty (30) days' notice.

### **Article V - Structure of the Union**

#### **Section 1**

The Educational Resource Facilitators of Peel shall be structured as follows:

- a) Executive,
- b) Members,
- c) Stewards,
- d) Committees,
- e) Professional Development Facilitator,
- f) Member(s)-at-large, and
- g) Office Assistant.

## Section 2

The Executive shall consist of:

- a) Past President (2 year term),
- b) President,
- c) 1st Vice-President,
- d) 2nd Vice-President,
- e) Treasurer,
- f) Secretary, and
- g) Designated Early Childhood Educator Representative.

## **Article VI - Meetings**

### Section 1

- a) There shall be a minimum of three (3) Membership meetings annually.
- b) There shall be an Annual General Meeting in the month of April.
- c) There shall be a Financial Meeting in the month of October.

- d) A quorum at all General Membership Meetings shall be seventy-five (75) Members of the Educational Resource Facilitators of Peel (ERFP), exclusive of Executive Members.
- e) A quorum at an Executive Meeting shall be fifty percent (50%) of the total elected Members of the Executive.
- f) Meetings and procedures shall be conducted according to Robert's Rules of Order.
- g) All Educational Resource Facilitators of Peel Members except those suspended pursuant to the Constitution may attend General Membership Meetings and have the right to vote.
- h) Secret ballot votes can occur in person and/or online unless otherwise specified in the Constitution. There shall be no proxy voting. Unless the method of voting is specified elsewhere in the Constitution, the Executive shall decide the method of voting.

## Section 2 - Business - General Membership Meetings

It shall be the responsibility of the Members at General Membership Meetings to:

- a) approve the agenda and minutes,
- b) receive and approve reports,
- c) make motions arising out of the agenda,
- d) vote to amend the Constitution and By-laws in accordance with the procedure established in Article XIII, with the exception of motions to amend Article VIII, Section 12, and
- e) transact any other business.

## Section 3 - Annual General Meeting

It shall be the responsibility of the Members at the Annual General Meeting to:

- a) approve the agenda and minutes,
- b) approve the Union dues percentage,
- c) approve the proposed budget for the following fiscal year,
- d) approve the accounting firm for the annual review of the finances of the Union,

- e) receive and approve committee reports,
- f) sign up for committees,
- g) create ad hoc committees, and
- h) transact any other business.

#### Section 4 –Financial Meeting

It shall be the responsibility of the Members at the Financial Meeting to:

- a) approve the agenda and minutes,
- b) review the financial statements of the Union, and
- c) transact any other business.

#### Section 5 - Special Membership Meetings

There shall be Special Membership Meetings called to transact emergent business of the Educational Resource Facilitators of Peel (ERFP) when deemed necessary by the Executive or upon written request to the Executive of a petition signed by at least fifty (50) Members including their printed name and Union Membership card numbers. This information will be verified. The Executive shall determine the time, date and place of a Special Membership Meeting.

### **Article VII – Elections**

#### Section 1

The elections for the Executive shall be by secret ballot and can occur in person or online. There shall be no proxy voting. The Executive shall determine the method of voting.

#### Section 2

Commencing with the 2015 Executive elections, the term of office for the Executive shall be two (2) years.

#### Section 3

Should a vacancy occur in the first year of office of an Executive position, the Executive shall call a by-election to fill the vacancy. The Executive may appoint a Member to the vacant position until a Member has been elected. Should a vacancy occur in the second year of office of an Executive position, the Executive may appoint a Member to the

vacancy or may call a by-election. When an Executive Member is on an approved leave of absence, the position shall be filled by a Member of ERFP appointed by the executive.

#### Section 4

The Nominating Committee will implement voting procedures as needed; the method of voting will be determined by the Executive.

#### Section 5

The member voting list will be the responsibility of the Union Secretary. Members must be signed up on the ERFP mailing list with a valid personal email, 72 hours prior to a vote commencing in order to be on the voting list.

#### Section 6

May and June shall be identified for transition and training of newly elected Executive Members. Release time shall be provided as required.

#### Section 7

Committee Members may be elected or appointed. Elections for committee Members may be held by secret ballot or by show of hands.

### **Article VIII Duties of the Executive**

#### Section 1

To meet at least ten (10) times per year at the call of the President or, on the written request of at least two (2) members of the Executive.

#### Section 2

To negotiate with the Peel District School Board and report to the Membership on the negotiations and their outcome and provide access to copies of the agreements to the Membership.

#### Section 3

To establish special committees and task forces as required.

#### Section 4

To establish the time and place of General, Finance, Annual General and Special Meetings.

## Section 5

To ensure that at least one member of the Executive will be responsible for coordinating and communicating within the membership.

## Section 6

To prepare policy recommendations for consideration.

## Section 7

To prepare and present at the Annual General Meeting the proposed budget in a format which will indicate:

- a) income,
- b) expenses, and
- c) expenses from the previous fiscal year.

## Section 8

To ensure the financial statement is presented at the Financial meeting and is:

- a) reported annually by October 30, and
- b) upon written request, a copy will be provided to the member.

## Section 9

To appoint an accountant for review of the financial books of the Union.

## Section 10

To provide members with information designed to increase Membership activity, awareness and involvement.

## Section 11

No amendment authorizing an affiliation, merger, or amalgamation which transfers bargaining rights or jurisdiction to any other union or employee association shall be effective unless approved by two-thirds (2/3) of the total Membership, in a secret ballot conducted for that purpose.



## Section 12

The Executive has the authority to affiliate the Union with labour organizations/federations, coalitions and councils that would promote the interests of the Union. Fees/dues incurred by such affiliation shall be the responsibility of the Union.

## Section 13

To authorize legal support for Members in employment related matters.

## Section 14

If an Executive Member fails to perform their duties they can be removed from office after a vote of the remaining Members of the Executive with notice to that Member. Such a vote must be ratified by the Membership voting at the next scheduled Meeting.

A Member of the Executive may be deemed to have resigned from office if, without reasonable excuse, they fail to attend three (3) consecutive Executive meetings or six (6) Executive meetings in total during each term of office. An Executive Member removed from office shall be replaced in accordance with Article VII.

## **Article IX - Duties of the Members**

### Section 1

It shall be the duty of every member to comply with the Constitution and By-laws of the Union and to support the policies of the Union.

### Section 2

It shall be the duty of a member who is being represented by the Union in a professional difficulty with the school board or other external agency to honour the commitments made on the member's behalf by the Union, if those commitments are made with the member's consent.

### Section 3

It shall be the duty of every member to refrain from undertaking or supporting actions which undermine any established negotiating procedures with the Peel District School Board.

### Section 4

It will be the duty of every member while acting as a representative of the Educational Resource Facilitators of Peel (ERFP) to be responsible to the Executive.

#### Section 5

It shall be the responsibility of all members, including those taking a leave of absence, to provide the Union with a current valid personal email address or other personal contact information for the purpose of communication.

#### Section 6

A Member of the Union shall:

- a) uphold the objectives of the Union,
- b) be actively involved in the development of students,
- c) respect the confidentiality of all information about colleagues, students and their families,
- d) strive to achieve a high standard of personal development and to attempt to develop in students an appreciation for high standards of accomplishments,
- e) recognize and act on the responsibility to grow professionally,
- f) recognize the responsibility to promote respect for human rights,
- g) uphold the laws of Society,
- h) recognize the responsibility to co-operate with colleagues to develop a high level of competence in programme and practice,
- i) honour the terms of employment of the Peel District School Board,
- j) honour the terms of the Collective Agreement, and
- k) recognize the Union as the official voice of members of Educational Resource Facilitators of Peel (ERFP).

#### **Article X - Duties of the Stewards**

Stewards shall be appointed by the Executive. The Executive shall assign Stewards duties as required.

## **Article XI Duties of Committees**

Committees shall be ad hoc or standing within the Union and follow duties as outlined in the bylaws and Committee Requirements.

The Standing Committees are: Awards, Constitution, Nominating, Political Action (PAC), Professional Development (PD), Sunshine, Membership Registration, Stewards, Health and Safety, Resource Committee, The Advocacy Committee (TAC) and Short Term Professional Development Leave Committee (STPDL).

## **Article XII – Amendments**

### **Section 1**

Except as set out in Section 3 below, the Constitution shall be amended by a simple majority in favour of the proposed amendment, provided that a notice of motion has been published to the General Membership thirty (30) days prior to the meeting where at the vote to amend will be taken.

### **Section 2**

The By-laws under this Constitution shall be amended by a simple majority vote of the Union.

### **Section 3**

Article VIII, Section 11 and Article XII, Sections 1 and 3 may only be amended by two thirds (2/3) of the total Membership voting by secret ballot at a General Meeting held in the month of May provided that a notice of motion has been published to the General Membership thirty (30) days prior to the meeting whereat the vote to amend will be taken.

## **Article XIII Fiscal Year**

### **Section 1**

The Fiscal year of the Union shall be the period from May 1 of one calendar year to April 30 of the succeeding calendar year.

## **BY-LAWS**

### **By-law 1.00 - Discipline**

- 1.01 Any member who believes that a member is in contravention of the Constitution and By-laws or the established policy of the Union may lodge a written complaint to the Executive.
- 1.02 The complaint shall name:
  - I. the member who has allegedly contravened the Constitution, By-law or policy ("the charged Member"),
  - II. the specific section or sub-section which has allegedly been contravened, and
  - III. the time and place of alleged contravention.
- 1.03 Such complaint shall be addressed to the Secretary by registered mail. The Secretary will send a copy of the letter of complaint by registered mail to the charged Member.
- 1.04 The Secretary shall forward the complaint to the Executive for its decision as to whether or not, in its opinion, the allegation is founded on fact, with a copy of the Executive response letter and complaint being sent by registered mail to the charged member and complainant. If a Member of the Executive is the charged Member, then the remaining Members of the Executive shall consider the complaint in the absence of the charged Member. The charged Member of the Executive shall have all rights of a charged Member under this By-law.
- 1.05 If deemed founded, the Executive shall by registered mail, invite the charged member to any hearing which is conducted and such notice shall be postmarked at least fourteen (14) days before the day of the hearing and shall state the time and place of the hearing.
- 1.06 The Stewards may also be requested by the Executive to attend any hearing in the same manner as outlined in By-law 1.05 (above).
- 1.07 The Executive, after consideration of the evidence presented to it, shall make a decision based on the preponderance of that evidence as to whether or not the member was in breach of Constitution, By-law or policy.
- 1.08 Having reached a decision, the Executive shall inform the member making the complaint and the charged member of the decision. The Members may appeal the decision to the Executive within thirty (30) days of notice.

- 1.09 The Executive shall hear any appeal from the member within 30 days of the appeal being filed.
- 1.10 The Executive shall, if the charge of contravention of the Constitution, By-law or policy is upheld by it, determine the appropriate penalty or penalties.

Such penalties to be one or more of the following:

- I. a letter of concern to be written to the member,
  - II. suspension of the right to hold office in the Union for a stated term,
  - III. suspension of Membership in the Union for a stated term, and
  - IV. denial of any or all services normally provided by the Union.
- 1.11 Inherent in the operation of this By-law are such procedures and practices as are consistent with the rules for natural justice. The Executive on appeal may consider such evidence as may be relevant whether admissible in a court of law or not.
  - 1.12 A member shall have the right to be accompanied by an advocate or to be represented by an advocate at any hearing under this By-law.

### **By-law 2.00 - Duties of the Executive**

#### **President**

- 2.01 shall transact the business of the Union between meetings of the Executive
- 2.02 shall be the official spokesperson of the Union
- 2.03 the President or designate of the Union shall preside at all meetings of the Union
- 2.04 shall be the official representative of the Union at any provincial, national or international conference or convention at which the Union is represented officially
- 2.05 shall call special meetings of the Executive at the request of the majority of the Executive
- 2.06 the President or designate shall be an ex-officio Member of all Committees
- 2.07 shall liaise with the Peel District School Board
- 2.08 may present a report of the activities of any conference or conventions attended
- 2.09 in co-operation with the Executive, shall be responsible for securities held in the name of the Union

- 2.10 shall be one of the three (3) Signing Officers
- 2.11 shall have a vote on all matters (except appeals against his/her rulings) and in the case of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie
- 2.12 shall interpret and enforce the Educational Resource Facilitators of Peel (ERFP) Constitution and these By-laws
- 2.13 shall ensure that all officers perform their assigned duties
- 2.14 shall chair the Negotiating Committee
- 2.15 the President and/or designate shall attend all Board Meetings

#### 1st Vice-President

- 2.16 shall assume the duties, responsibilities and privileges of the President in the President's absence or at the request of the President
- 2.17 shall attend all Executive and General Membership Meetings
- 2.18 shall establish a committee to monitor all Board Meetings and Special Education Advisory Committee (S.E.A.C.) Meetings
- 2.19 is responsible for establishing and co-ordinating the duties of the Stewards and maintaining effective communication
- 2.20 shall report relevant information regarding Educational Resource Facilitators to the Executive for further action
- 2.21 shall be assigned additional responsibilities as required by the President and/or Executive Members
- 2.22 shall be one of 3 signing officers

#### 2nd Vice-President

- 2.23 shall attend all Executive and General Membership Meetings
- 2.24 is responsible for establishing and coordinating the duties of the Health and Safety Chair
- 2.25 shall be assigned additional responsibilities as required by the President and/or Executive Members

### The Past President

- 2.26 shall provide continuity, guidance and support to the Executive for a two (2) year term
- 2.27 is responsible for attending all Executive and General Membership meetings
- 2.28 shall be assigned additional responsibilities as required by the President and/or Executive Members

### Treasurer

- 2.29 shall keep a record of all finances of the Educational Resource Facilitators of Peel (ERFP)
- 2.30 is responsible for attending all Executive and General Membership meetings
- 2.31 shall prepare a proposed budget for the Annual General Meeting and upon written request a copy will be provided to the member via personal email within two (2) business days
- 2.32 shall present the audited financial statement at the Financial Meeting
- 2.33 shall be responsible for all financial transactions
- 2.34 shall be a signing officer on all Union accounts
- 2.35 shall be one of three (3) Signing Officers
- 2.36 shall ensure that an audit is done annually
- 2. 37 shall be assigned additional responsibilities as required by the President and/or Executive Members

### Secretary

- 2.38 shall be responsible for attending all Executive and all General Membership meetings
- 2.39 shall be responsible for taking minutes and preparing reports of all Executive and General Membership Meetings
- 2.40 shall be responsible for correspondence of the Educational Resource Facilitators of Peel (ERFP)

- 2.41 a) shall be responsible for preparing minutes to be distributed to each member who has provided a personal email, within two (2) weeks of any meeting,  
b) shall be responsible for preparing a quarterly newsletter to be distributed to each member and sent electronically to all members registered for the ERFP website
- 2.42 shall be responsible for creating, maintaining and overseeing the Union website and other digital media operated by the Union
- 2.43 shall be responsible for creating and maintaining a list of names, addresses and other contact information for the Membership list and maintain the voters list
- 2.44 shall be assigned additional responsibilities as required by the President and/or Executive Members

#### Designated Early Childhood Educator Representative (DECE)

- 2.45 is responsible for attending all Executive and General Meetings
- 2.46 shall act as a liaison with the DECE Members
- 2.47 shall be assigned additional responsibilities as required by the President and/or Executive Members

#### **By-law 3.00 - Duties of the Stewards**

- 3.01 shall represent a number of schools and shall be a member of the Union
- 3.02 shall improve communication and provide a liaison between the Executive and the membership
- 3.03 shall establish a means of communication
- 3.04 shall communicate with the Executive and membership
- 3.05 shall attend General Membership meetings and Steward Meetings
- 3.06 shall collectively form a Standing Committee which can be increased or decreased as need dictates

#### **By-law 4.00 - Duties of the other Members**

##### Professional Development (PD) Facilitator

- 4.01 shall be a member of ERFP in good standing



- 4.02 is responsible for attending Executive meetings as requested and all General Membership meetings
- 4.03 works in collaboration with the Executive
- 4.04 has no Executive voting power
- 4.05 active participant on the PD Committee
- 4.06 posted by PDSB and jointly funded by the members' STPDL funds and the Peel Board TA allocation funds - one year position renewable up to three years

#### Member(s)-at-Large

- 4.07 is a position whose duties and numbers are defined by the needs of the Executive
- 4.08 are an appointed position by the Executive
- 4.09 has no Executive voting power

#### Office Assistant

- 4.10 is a position whose duties are defined by the needs of the Executive
- 4.11 is a member of ERF in good standing
- 4.12 has no Executive voting power
- 4.13 is a posted position to the membership, one year position renewable up to three years

#### **By-law 5.00 - Elections**

- 5.01 If a member of the nominating committee plans to run for an Executive position, the member must step down from the committee before the end of January. Once letters of intent have been sent out, no member of the nominating committee is eligible to run in the Executive election.
- 5.02 The Standing Executive must state their intentions to the Nominating Committee to run in the election not before February 1 but prior to February 8.
- 5.03 The Nominating Committee shall inform the Union Secretary, of any vacant positions within two business days after the cut off day. The Secretary will convey this information to the membership within 2 business days of receiving the notice.

- 5.04 If a Standing Executive Member declines their current position but wishes to run for a different Executive position, they must follow the electoral process as outlined in By-law 5.00 - Elections.
- 5.05 Any member may submit nominations for the Executive positions via email to the Nominating Committee within 5 business days of receiving notice of any vacant positions. A signed hard copy of the nomination form must be received by the Nominating Committee on or before the March General Membership Meeting.
- 5.06 A Member can only run for one (1) position in an election.
- 5.07 Nominated members running for the position of President shall be required to have a minimum of one (1) school year Executive experience.
- 5.08 Nominated Members running for the positions of 1<sup>st</sup> Vice-President or 2<sup>nd</sup> Vice President shall be required to have a minimum of one (1) school year Executive experience or ERFP committee experience and/or has been an permanent ERFP Member for no less than 10 years.
- 5.09 Nominated Members running for the position of the DECE representative shall be employed and remain employed as a DECE with the Board (unless they are released to perform Union duties).
- 5.10 The Nominating Committee shall submit to the Secretary and all candidates, the names of the candidates running for Executive positions within one business day following the nomination deadline. Then the Secretary will inform the membership within the next business day.
- 5.11 Nominees may address the Membership at the March General Membership Meeting.
- 5.12 The elections for the Members of the Executive shall be by secret ballot via online voting. Online voting results will be sent directly to the nominating chair for announcement at the AGM. The secretary will post the official results within 1 (one) business day.
- 5.13 To be declared successful, a candidate for the position of President, 1st Vice-President, 2nd Vice-President, Secretary, Treasurer or DECE Representative must obtain a simple majority of the votes cast. In the case of more than two nominees for any of the above-named positions, and failing a majority for any candidate on the first ballot, the count of votes shall be announced and the name of the candidate with the least number of votes shall be dropped from the second and succeeding ballots, until one of the candidates has a majority.
- 5.14 When there is only one qualified nominee, that person shall be acclaimed.

- 5.15 The term of office (2 year term) of each Executive member shall commence on July 1 following the election meeting and shall terminate on June 30 or until a successor is elected or appointed.
- 5.16 A nominee shall be proven to be a Member in good standing and otherwise qualified as set out elsewhere in By-law 5.00 at the time of nomination.
- 5.17 Each candidate may appoint one scrutineer to observe the counting of the ballots for that candidate, for in-person voting results.

**By-law 6.00 - Duties of Committee Chairs**

- 6.01 The Chair of each Committee shall hold meeting(s) during the school year.
- 6.02 The Chair of each Committee shall communicate activities of the Committee to the Executive after each committee meeting.
- 6.03 The Chair of each committee shall submit to the Treasurer, on a quarterly basis, a financial breakdown (including bank statements).
- 6.04 All Committee bank accounts shall be opened under the name of "Educational Resource Facilitators of Peel".
- 6.05 Each Committee shall have three (3) signing officers, one of which is the Union Treasurer.
- 6.06
  - I. The Chair of each Committee shall submit to the membership at the Annual General Meeting a report relating the work of the Committee or upon request of the Executive.
  - II. The Chair of each Committee which has submitted a recommendation to the Executive shall ensure that the Executive has the complete rationale for the recommendation prior to the Executive meeting at which the recommendation will be introduced.
- 6.07 The Chair shall share the "Committee Requirements" information package with all Members at their initial meeting.
- 6.08 The Chair shall ensure Executive approval of all material, written or verbal, prior to distribution.

### **By-law 7.00 - Operation of Committees**

Each and every Union Committee shall work under the general terms of reference as follows:

- 7.01 To receive and act upon suggestions, submissions and referrals from the membership, the Executive and other Committees on matters pertaining to its terms of reference.
- 7.02 To initiate action on items of its own creation within its specific terms of reference.
- 7.03 To report on all motions referred to it with respect to opinions, recommendations and actions taken on such referred motions.
- 7.04 To recognize and take the necessary action on correspondence and items received from Stewards and/or Chairs of other committees.
- 7.05 Develop and strengthen the lines of communication between Committees.
- 7.06 A request or motion presented to a committee will initiate a report, through the Committee Chair, to the Executive and if approved to the membership in accordance with the following format:
  - I. Purpose - a statement of the question(s) referred to the Committee, and for the items being reported upon, and for the goal of the Committees' study, deliberations, or investigation,
  - II. Method - the scope of the work or action of the Committee and/or the matter or environment in which the study, deliberation or investigation was conducted,
  - III. Data - information gathered in pursuit of above purpose in summary, chart or digest form,
  - IV. Conclusions - findings obtained and recommendations derived therefrom, and
  - V. Resolutions - to carry out the above recommendations derived therefrom.
- 7.07 Prior to the Annual General meeting each committee is to provide a report to the Executive. The report should be a typed, detailed financial account for the fiscal year.
- 7.08 To determine a Committee budget for the upcoming year and to submit to the Executive by April 1st for the annual budget for the following year.

## **By-law 8.00 - Sanctions and Strikes**

### Strike Fund

- 8.01 The Union shall set up and maintain a Strike Fund. Such funds shall be used for strike relief or for other objectives of the Educational Resource Facilitators of Peel as set out in Article II.
- 8.02 A strike vote must be taken in accordance with the *Labour Relations Act, 1995* as amended. A strike vote must be taken no earlier than 30 days prior to the expiry of the collective agreement or at any time after the expiry of the collective agreement. A strike vote must be conducted in such a manner that those entitled to vote have an ample opportunity to cast ballots in a secret meeting called for that purpose or may be conducted on-line at the Executive's discretion. A strike is authorized if a majority of those voting, vote in favour of a strike.
- 8.03 When a strike is approved by the Membership, Members in good standing shall have the right to financial assistance from the Strike Fund as determined by the Executive or by a Strike Committee.
- 8.04 It is an offence under this Constitution for any Member to display individual disloyalty to the collective actions(s) approved by the majority, such as non-participation in the strike or resumption of duties prior to negotiated return-to work agreement. Such an offence may result in a Member being denied standing in the Union, or in a fine, or in any other sanction that may be imposed as determined by a majority vote of the Executive.
- 8.05 Sanctions imposed under By-law 8.05 may be appealed by the Member under By-law 1.00. Sanctions imposed under By-law 8.05 may be lifted, reversed, or amended by a majority vote of the Executive at any time.
- 8.06 A ratification vote must be taken in accordance with the *Labour Relations Act, 1995* as amended. A ratification vote must be conducted in such a manner that those entitled to vote have an ample opportunity to cast ballots in secret at a meeting called for that purpose or may be conducted on-line at the Executive's discretion. A tentative collective agreement is ratified if a majority of those voting, vote in favour of ratification.

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