

# ACHRO

*Association of Chief Human Resource Officers*

# EEO

*Equal Employment Officers*

## 2019 Fall Training Institute

# PROGRAM

**October 22-25, 2019  
Orange County, CA**



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**PRE-CONFERENCE, Tuesday, October 22, 2019**

**12:00 Noon—6:00 PM - Early Bird Registration ( Foyer)**

**1:00 PM—5:00 PM - Workshop** (Break 2:30 pm—2:45 pm)

**“Implementing Title IX Investigation Best Practices” ( Grand Ballroom EF)** Michelle Cannon, Attorney at Law, Trevin Sims, Attorney at Law, Stephanie White, Attorney at Law, all from Lozano Smith Attorneys at Law. This intensive workshop is designed to provide college personnel with an overview of Title IX with a special emphasis on investigating complaints of sex-based discrimination and harassment, including sexual misconduct, under both Title IX and California law. The workshop will provide participants with an update on status of the Title IX regulations that were proposed by the US Secretary of Education in November of 2018. The workshop will also include a comprehensive discussion on how the regulations, if implemented, will among other things impact the manner in which colleges implement remedial measures and afford due process rights to the affected parties throughout the investigation process.

Key Topics and Themes: Attendees will be guided through an in-depth approach for processing complaints under Title IX from their inception through investigation. Case studies will be used to demonstrate the importance of, and strategy related to, the following: Complaint process under Title IX and California law; Developing an investigation plan; Interviewing witnesses; Credibility determinations; Gathering documentary evidence; Preserving information; Writing the report; Issuing findings letters

Resources: Participants will gain access to training and reference materials, including sample reports and findings letters.

Who Should Attend: This event is open to all conference registrants.

**DAY 1, Wednesday, October 23, 2019**

**7:30 AM—8:00 AM - Registration ( Foyer)**  
**Breakfast ( Grand Ballroom A)**

**8:00 AM—9:00 AM - Motivational Speaker—Dr. Fairest Hill** (see full biography on Page 9)

Re-Fuel! Re-Charge! Re-Innovate!

Dr. Fairest Hill is a well-known, international motivational speaker, recording artist and author. He speaks at colleges and high schools throughout the country.

His music.... Will make you get up and dance!

His words.... Will inspire you!

His energy.... Is infectious!

As Human Resources professionals, we need to re-fuel, re-charge and re-innovate our minds and how we approach our day to day challenges.

**9:00 AM—10:00 AM**

**“CCD Employment & Labor Relations Game Show!” ( Grand Ballroom A)** Pilar Morin, Partner, Liebert Cassidy Whitmore; Dr. Alberto J. Roman, Vice Chancellor for HR, and Dr. Mercedes Gutierrez, Director of HR, both from Los Angeles CCD. Join us for this fun, interactive session that will cover a potpourri of labor relations and employment law topics. Test your knowledge against your colleagues and peers—there will be prizes!!!

## **DAY 1, Wednesday, October 23, 2019 (continued)**

**10:00 AM—11:15 AM**

**“Sexual Orientation and Gender Identity Discrimination: Practical Advice to Protect Against and Remedy LGBTQ discrimination While Complying with Relevant Law”** (*Grand Ballroom A*) Stephen McLoughin, Senior Associate, AALRR. Federal and state laws addressing LGBTQ rights and discrimination protections have undergone significant recent changes, leaving many institutions scrambling to determine how best to comply with current legal requirements and protect against discrimination. Under the Obama Administration, the federal government took various steps to address and prohibit discrimination based on sexual orientation and gender identity. However some of these steps have been altered by the Trump Administration. California law also includes a number of recent changes addressing these issues. The Supreme Court recently weighed in on a number of discrete issues involving LGBTQ rights, making the issues even murkier. Taken together, these recent and sometimes conflicting messages have made it difficult for institutions to cut through the noise to develop legally compliant policies and procedures addressing LGBTQ rights.

**11:15 AM—12:30 PM - Workshops**

- **“Twitter and Taking a Knee: Exploring the Scope of Employee Free Speech”** (*Grand Ballroom BC*) Sharon Ormond, Partner, AALRR. Where is the boundary between the free speech rights of public employees, particularly those who express controversial or offensive ideas or opinions, and the authority of public employers to limit employee speech that is viewed as inconsistent with policies prohibiting harassment or other discrimination? This and other legal issues surround employees’ rights to free speech in the workplace, particularly when social media is involved. This session provides an overview of public employees’ rights to free speech and how public employers can determine whether or not their employees speech is constitutionally protected.
- **“How to Avoid Wrongful Termination Claims”** (*Grand Ballroom D*) Kristine Kwong, Partner, ASCIP/Musick Peeler. The number of wrongful termination lawsuits continue to rise throughout the State of California. As new legislations and case law has made it easier for plaintiffs to defeat summary judgment motions, employers are challenged as to how to prevent these skyrocketing claims. Along with an increase in settlements and pro-employee juries, employers must be vigilant in its efforts to manage personnel issues. In this session, come learn the trigger points that could lead to potentially wrongful termination claims and how to respond to them before a potential claim is filed. Come armed with your questions.
- **“Moving the Needle Together: Sharing, Personalizing, and Planning for Effective Equity and Inclusion on Campus”** (*Grand Ballroom EF*) Crystal Crane, Executive Director of HR and Employee/Employer Relations and Sacha Moore, District Coordinator of Equity, Inclusion, and Compliance, both from Coast CCD; Dr. Valynia C. Raphael, Director, Diversity, Compliance, and Title IX Coordinator, Cerritos CCD. Recent statewide efforts have built College HR professionals’ capacities to recruit, hire, and retain equity-minded faculty, as well as eliminate underrepresentation of faculty of color. In this equity-centered presentation, we will build on those initiatives and provide participants a meaningful opportunity to evaluate strategies and design campus-specific plans for faculty diversification. Through guided brainstorming and action planning, attendees will leave ready to implement race conscious, equitable, and inclusive approaches such as faculty pipeline programs, meaningful assessment of equity-mindedness, bias mitigation training, and effective management of allies/antagonists.

**12:30 PM—2:00 - Lunch** (*Grand Ballroom A*)  
**ACHRO/EEO General Membership Meeting**

**“2019 Codes and Regulations Update”** (*Grand Ballroom A*) Kristine Kwong, Partner, ASCIP/Musick Peeler. Legislative update on regulations which will affect our Community Colleges.

**DAY 1, Wednesday, October 23, 2019, (continued)**

**2:00 PM—2:15 PM - Break**

**2:15 PM—3:30 PM - Workshops**

- **“Psychological Disabilities” (Grand Ballroom BC)** Rachel Shaw, President, Shaw HR Consulting, Inc. Accommodations related to stress psychological disabilities are on the rise. Situations can be challenging, especially when related to depression, stress, learning disabilities, working with others and personality issues. Rachel is not a lawyer, she is an HR practitioner and as such focuses on process. While participants will leave the presentation with an understanding of ADA/FEHA law as it relates to mental and psychological disability compliance, the most valuable and tangible asset attendees will receive is a practical and implementable process with which to employ the disability interactive process. This means a step-by-step, how-to guide including templates, samples and scripts. Practical and field-tested, her process is simple, comprehensive and most importantly supports employers to make reasonable accommodation decisions they can feel confident about.
- **“Addressing Conflicts Between Employees in the Workplace” (Grand Ballroom D)** Barbara Ginsberg, Partner, AALRR. In order to maintain a cooperative and harmonious work environment, administrators and supervisors must be able to quickly and effectively address conflicts that occur between employees in the workplace. Gain a greater understanding of the common catalysts that lead to conflict, your obligations to take action, as well as specific, appropriate protocols for diffusing, mediating, and resolving workplace conflict. Implementing these tools in the workplace will help you provide a better environment for all employees—one in which the employees can focus on the business of the college.
- **“To Foresee or Not to Foresee: Effective Student Protection and Reporting” (Grand Ballroom EF)** Randy Erickson, Owner/Principle Attorney, Erickson Law Firm A.P.C.; Robert Blizinski, Vice President, HR, Pasadena City College. This presentation will discuss the District’s obligation to protect students from foreseeable harm, including the violent acts of a third party. It will discuss a recent California Supreme Court decision expanding the District’s obligation to protect students, as well as strategies to effectively respond to reports of threatened harm or foreseeable violence. The presentation will also address employee obligations to report instances of sexual harassment and to forward complaints of assault or harassment to appropriate District personnel through the designated reporting process.

**3:30 PM—3:45 PM - Break**

**3:45 PM—5:00 PM - Workshops**

- **“Disability vs. Discipline” (Grand Ballroom BC)** Rachel Shaw, President, Shaw HR Consulting, Inc. What do you do when performance issues are being addressed and an employee says “my disability made me do it?” Things get tricky when performance may or may not be impacted by a perceived or actual disability. Where to start? Legal issues surrounding both discipline and disability abound. And, it’s important to understand how the two can be intertwined legally. This training will help you navigate these issues and assist you toward moving toward the ultimate goal: for an employee’s performance standards to be met. Learn how to manage these especially tough cases and about specific solutions on how to proceed down the Disability Interactive Process Hallway™ in these unique cases.

**DAY 1, Wednesday, October 23, 2019, (continued)**

**3:45 PM—5:00 PM - Workshops (continued)**

- **“Equity-Minded Recruiting and Retention” (*Grand Ballroom D*)** Eugene Whitlock, AVC/ Chief HR Officer, UC Berkeley; Arturo Ocampo, Director, Diversity and Compliance, North Orange CCD. By attending this session, attendees will learn how to infuse equity into the hiring process, with tips on how to craft job announcements and interview questions, suggestions on content and approach for screening committee training, and different steps you can take to make your campus welcoming to faculty from underrepresented backgrounds.
- **“The Future is Here: Nonbinary Individuals in the Workplace” (*Grand Ballroom EF*)** Stephanie White, Attorney at Law, Lozano Smith Attorneys at Law. California law prohibits discrimination in the workplace on the basis of an employee’s gender identity or gender expression. Further, last year, Governor Jerry Brown signed Senate Bill (SB) 179, known as the “Gender Recognition Act,” which made California the first state to add a “nonbinary” gender option to state driver’s license, identification cards, and birth certificates. In 2017, Governor Brown also signed SB 396, which requires employers with 50 or more employees to conduct training on harassment based on gender identity, gender expression, and sexual orientation. This presentation will cover gender equity in the workplace, addressing the nonbinary gender option on official records and during the interview process, and a college’s obligation to educate its employees.

**5:30 PM—7:30 PM - Reception - North Tower Pool, Hyatt Regency Hotel**



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**DAY 2, Thursday, October 24, 2019**

**7:00 AM—10:30 AM - Registration (*Foyer*)  
Breakfast (*Grand Ballroom A*)**

**“You Just Can’t Make this Stuff Up” (*Grand Ballroom A*)** Dr. Cindy Vyskocil , Vice Chancellor, HR, South Orange County CCD and Dr. Diane Fiero, Assistant Superintendent/Vice President, HR, Santa Clarita CCD.

## **DAY 2, Thursday, October 24, 2019 (continued)**

**“Town Hall—Legal Eagles” (Grand Ballroom A)** Laura Schulkind, Partner, Eileen O’Hare-Anderson, Partner, Pilar Morin, Partner, all from Liebert Cassidy Whitmore. Do you have questions? Well, we’ve got answers. Come get your questions answered while learning how to deal with legal issues important to your District. Community College Districts deal with a number of issues on a daily basis and it’s best to be prepared. Share your questions with others who probably have the same problems, concerns, and issues. This is a great opportunity to get some great legal answers—without those pesky billable hours!

This Workshop will offer MCLE Credit

**10:30 AM—10:45 AM - Break**

**10:45 AM—12:00 - Workshops**

- **“The Pit and the Pendulum: The give and take of Bargaining Table Politics” (Grand Ballroom BC)** Randy Erickson, Owner/Principal Attorney, Erickson Law Firm A.P.C. and Dr. Cindy Vyskocil, Vice Chancellor, HR, South Orange County CCD. This workshop will address the role of internal and external politics in labor relations and the collective bargaining process, and how that impacts board members, community college administrators, negotiators at the bargaining table, union leadership, and rank and file union members. We will provide advanced strategies for management and the governing board to address those influences as well as other aspects of collective bargaining through real world perspectives. We will also provide recommendations and best practices regarding the respective roles of management and the board to maintain control over negotiations and prevent costly and time-consuming mistakes.
- **“If You Build it, They Will Comply!: Creating Inclusive Environments for Disabled Applicants, Employees, and Students” (Grand Ballroom D)** Crystal Crane, Executive Director, HR and Employee/Employer Relations and Kristen Kim, HR Compliance Specialist, both from Coast CCD; Cindy Barron, ADA Compliance and Leave Administration Manager, South Orange County CCD. In this interactive workshop, participants will learn about the importance of ADA compliance and how it can help your organization in creating an inclusive environment for applicants, employees, and students. Learn about what it takes to implement a robust compliance program in your institution, build awareness through trainings and accessible web-based information/documents, and cultivate an inclusive and equitable environment for all members of your college community. ADA compliance coordinators and managers will share their experiences, real-world case-studies, best practices, and tips for making your compliance program a success! Participants will leave with practical strategies that they can use to enhance preexisting programs and fill gaps, and they will develop a clear understanding of how to generate an environment that is not only compliant but also authentically welcoming to all!
- **“Disrupting the system: Infusing equity-minded practices into the faculty hiring process” (Grand Ballroom EF)** Dr. Victoria C. Rosario, District Director, HR & Support Programs and Mellonie Richardson, Confidential HR Officer, both from Los Rios CCD. The Los Rios colleges and the region we serve are diverse. But the diversity of our faculty, like that of the entire California Community College System, lag far behind. Most recent studies show that the diversity of our faculty has a direct impact on student outcomes, and we are as a system collectively committed to attracting a workforce as diverse as our students. We have been engaged in a number of efforts to infuse equity into our hiring practices, expand recruitment outlets and contract with experts in the field to inform this important dialogue. We’d like to highlight the outputs of our work with USC’s Center for Urban Education (CUE) and share how we are striving to achieve racial equity in the hiring and matriculation of new faculty, and align our training programs to support these efforts.

## **DAY 2, Thursday, October 24, 2019 (continued)**

### **12:15 PM—2:00 PM - Lunch (*Grand Ballroom A*)**

#### **“Building a Diverse Workforce: Studying the Past and the Future” (*Grand Ballroom A*)**

Gregory Smith, Associate Vice President, HR, Shasta-Tehama-Trinity Joint CCD. Data can be a powerful tool in successfully building more diverse workforces. Analyzing our current workforce with our community, student, and labor market representation can help us define diversity for our District. Conducting longitudinal applicant and hiring data analyses can tell us how the procedures we have used in the past have impacted our current workforce representation. Studying our past outcomes can help us refine our application and hiring procedures to improve our future diversity. This workshop provides a detailed review of methods to collect and analyze data on our hiring processes and develop new processes to achieve greater workforce diversity. Participants will learn how to conduct and interpret longitudinal EEO data analyses which reveal the gaps in success applicants experience at each step in our hiring processes. Topics of discussion include utilizing online application systems to document outcomes in the hiring process, threats to data accuracy and integrity, considerations for finalizing data for analysis, conducting longitudinal EEO data analyses, understanding analytic results, key considerations for defining a “diverse workforce”, and developing strategies to achieve success. Attendees will gain a more nuanced understanding of how studying past employment decisions informs future decisions on hiring policies and practices which may lead to greater success in building a more diverse workforce.

### **2:00 PM—3:15 PM - Workshops**

- **“Deficits and Declining Enrollment: Shaping a Future Workforce in Difficult Times” (*Grand Ballroom D*)** Dorene Novotny, Vice Chancellor, HR, Foothill-DeAnza CCD; Maureen Toal Sr. Vice President, Consulting, PARS; DeAnna L. Solina, Esq., Vice President of HR & Risk Management, San Joaquin Delta College. Due to declining enrollment, Foothill-DeAnza CCD entered the 18’-19’ year with a large structural deficit. This session is an in-depth case study of one district’s complex analysis and planning process to minimize the effects on its employees in preparing for the future—while adhering to the District’s guiding principles around education and inclusion. It will also overview what other community college districts have done in similar circumstances using properly analyzed approaches to early retirement incentives, forced attrition, and strategic reorganization to mitigate workforce impacts.
- **“Best Practices for Sexual Assault, Sexual Harassment Complaints and Investigations” (*Grand Ballroom BC*)** Jeffery Morris, Partner, Devaney Pate Morris & Cameron, LLP. This presentation addresses the new California laws related to training and litigation standards, including a discussion of the new cases calling for due process for the accused; federal government’s proposed changes to title IX Rules and rescission of the Obama Era Regulations; and a discussion of what this means for your campus in terms of policy and procedure revisions, complaint handling, and resolving these issues on your campus.
- **“Got Privilege?” (*Grand Ballroom EF*)** Dr. Cindy Vyskocil, Vice Chancellor of HR, South Orange County CCD. This presentation is intended to grow your understanding of the different types of privilege that continue to exist and persist in our society and in the workplace. To be able to address the negative impacts of privilege in society and in the workplace, you first need to understand and acknowledge the different types of privilege that exist. This presentation will provide the basics on understanding white privilege, male privilege, class privilege, heterosexual privilege, and able body privilege as well as the detrimental impacts privilege continues to have on our communities and work environments. Got privilege?

### **3:15 PM—3:30 PM - Break**

## **DAY 2, Thursday, October 24, 2019 (continued)**

### **3:30—4:45 pm - Workshops**

- **“Employing and Evaluating Community College Coaches: What every HR professional needs to know about employing and evaluating PT and FT athletic coaches.”** (*Grand Ballroom BC*) Dr. Cindy Vyskocil, Vice Chancellor, HR, South Orange County CCD; Randy Erickson, Owner/Principle Attorney, Erickson Law Firm A.P.C. This presentation will be a deep dive into the legal ways in which you can and cannot hire and evaluate PT and FT head coaches as well as the different methods that exist for employing assistant coaches. We will also touch on mechanisms that can be useful to HR in being able to hold head coaches accountable when they violate CCCAA rules.
- **“Best Practices for Use of EEO Funds”** (*Grand Ballroom D*) Dr. Diane Fiero, Assistant Superintendent/Vice President, HR, Santa Clarita CC; Wyman Fong, Vice Chancellor HR, Chabot-Las Positas CCD; Julianna Mosier, Vice Chancellor, HR, State Center CCD; Angela Hoyt, Director, HR & Labor Relations, Cabrillo College; Arturo Ocampo, Director of Diversity & Compliance, North Orange CCD; Eric Ramones, Asso. Vice President, HR, Gavilan CCD. A panel will share insights and best practices for the use of EEO funds for your District.
- **“Benefit Challenges in an Ever Changing Environment”** (*Grand Ballroom EF*) Brent Crane, Sr. Vice President and Michael Muheisen, Sr. Vice President, both from BrightPath Consulting Services; Dr. Lisa Norman, Ed.D, J.D., Vice President of HR, Palomar College. This workshop will address how different healthcare choices that may appeal to certain groups of employees based on generational aspects such as millennials, generation X, Baby Boomers and so forth. Some of the choices to be discussed will be: High Deductible Health Plans (HDHP), Voluntary Benefits (e.g., Ga Plans, hospital plans, life insurance, pet insurance, etc.).

## **DAY 3, Friday, October 25, 2019**

### **7:30 AM—9:45 AM - Breakfast and Raffle !!! (don't be late) (*Grand Ballroom A*)**

**“Updating Your EEO Plans”** (*Grand Ballroom A*) Laura Schulkind, Partner and Jenny Denny, Associate, both from Liebert Cassidy Whitmore. In this workshop, Laura Schulkind and Jenny Denny will share the process Laura has developed in assisting districts update their EEO Plans, including a step-by-step guide to updating each required and recommended EEO Plan component. In particular, the workshop will focus on how to create 3-year plans that include measurable goals and functions as useful tools for promoting workforce diversity. Additionally, Laura will provide a sample EEO Plan format that improves efficiency and effectiveness by aligning your EEO Plans to your utilization of the Chancellor's required multiple measures.

This Workshop will offer MCLE Credit

### **10:00 AM—11:15 AM - Workshops**

- **“The Future of Health Care in the Next Decade”** (*Grand Ballroom B*) Brent Crane, Sr. Vice President and Michael Muheisen, Sr. Vice President, both from BrightPath Consulting Services. The future of health care and financing is very unstable and murky. This presentation will discuss the current state of health care and financing, and discuss the issues to consider as the government tries to grapple with this difficult topic.

**DAY 3, Friday, October 25, 2019 (continued)**

**10:00 AM—11:15 AM - Workshops *(continued)***

**“Workplace Investigations and Hearings Before Neutrals” *(Grand Ballroom C)*** Sandra Lindoerfer, Attorney at Law Mediator and Arbitrator, retired CHRO, Sandra Lindoerfer Associates; Robert Bergeson, Arbitrator; Najeeb Khoury, Arbitrator and Executive Director of the City of Los Angeles’ Employee Relations Board. Three experienced Labor Arbitrators will discuss how arbitrators view discipline cases where the results of a workplace investigation are an element of the evidence presented to the arbitrator. They will discuss hypothetical cases based on arbitration decisions in discipline cases. These cases are ones where results of a workplace investigation are in evidence. Among the elements they will discuss are: Who can fairly conduct the investigation? What are the other elements of a “fair” investigative process, and how do investigations impact the just cause analysis in employee discipline arbitrations? What relevance does the propriety of the investigation have if the discipline is to be judged by the standards in Morrison v. State Board of Education (1969) 1 Cal 3d 214, rather than the more usual arbitral standard of just cause? What are the complications that arise when investigations deal with potential criminal conduct? How, when and to whom should Lybarger warnings be given?

**12:00 noon—2:30 PM - Training Committee Meeting *(Garden Room 4)***

**Thank you for attending the 2019 ACHRO/EEO**

**Fall Training Institute!**

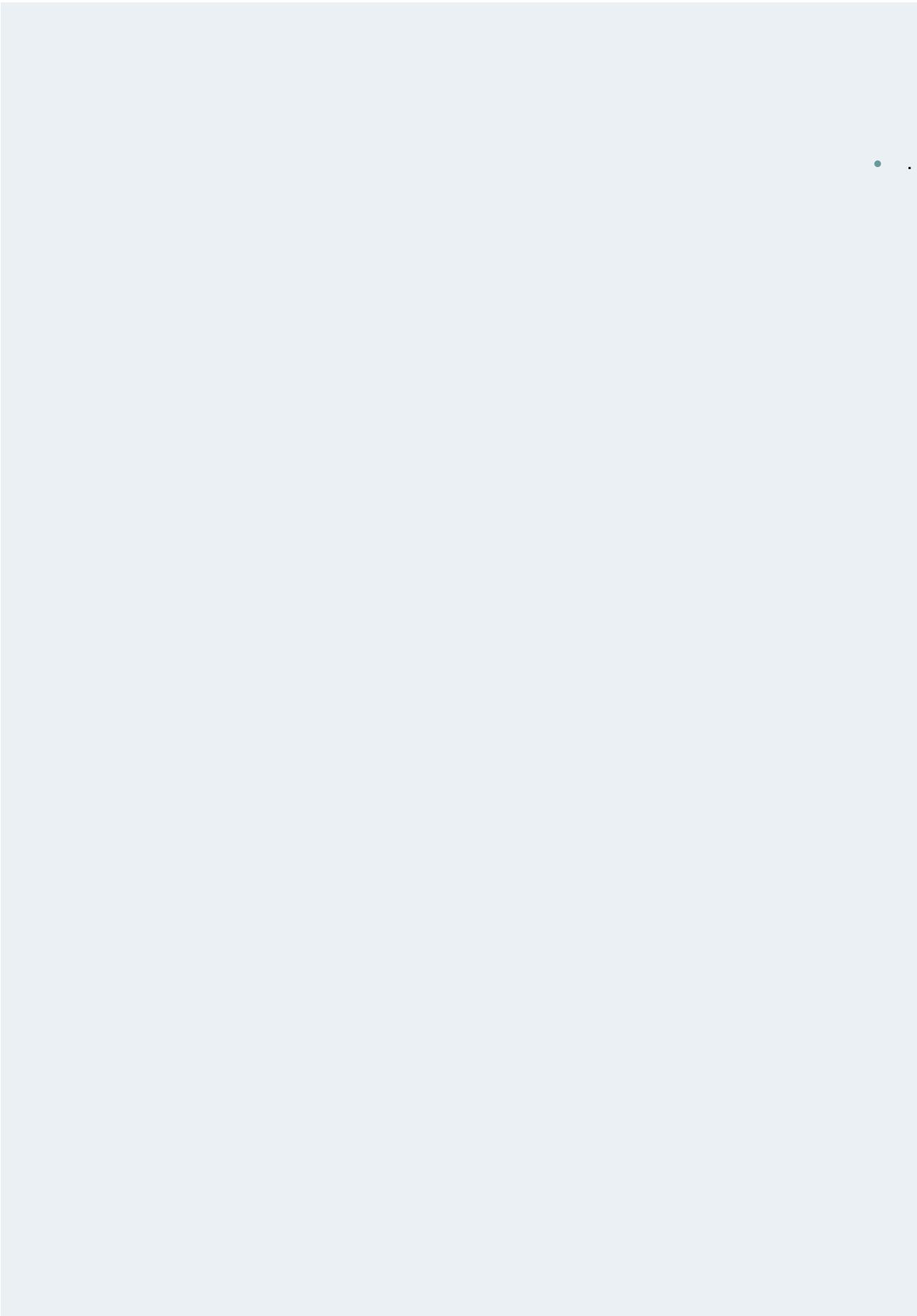




*Dr. Fairest Hill is an international motivational speaker and recording artist who resides in Tampa Bay, Florida. Dr. Fairest Hill was born and raised in the inner city of Detroit, Michigan. He was labeled "functionally illiterate" and was failing in school until the intervention of a caring, committed teacher and his gift for music changed his life. At an early age, Dr. Hill made a commitment to be a success in life, no matter what the cost. Regardless of the negative influences that surrounded him, he remained faithful to his goal. After graduating from Central High School with honors, Dr. Hill continued his education at the Detroit College of Business and Golden Pacific University where he earned his Master's Degree in Business Administration. While he was working on his education he was also employed at the Children's Hospital in Detroit, MI. During his seven year tenure there, Dr. Hill rose from Maintenance to Admittance then to the Credit Department and finally on to Management. He later received a Master's and Doctoral Degree of Divinity from Friends International University.*

*During his career, Dr. Hill has collaborated and performed with a variety of national recording artists. He is the Founder/Director of Youth On The Move, USA, Inc. and CEO of Vision Productions and Publishing company. Dr. Fairest Hill is also the author of his newest book "Life Without Limits" as well as "Daddy Talk" and "Yes You Can Win." He has also developed a curriculum targeted for at-risk students called "Project 2020: Building Leaders for the 21st Century," and has recently released his fifth CD, "Unfinished Business," produced by Sanchez, producer of Aretha Franklin, Yolanda Adams, Kirk Franklin and others. He also travels with International Speaker, Dr. Myles Munroe.*

*Dr. Fairest Hill's speaking career has involved training for over 1 million youth across the United States and abroad. Organizations from Trinidad, Jamaica, the Bahamas, Canada and South America have all engaged him to provide motivational training. He has been a keynote speaker for: government agencies (he was just recently in South Africa and England motivating the youth and government officials there); corporations; Job Corps; and professional conferences. He also does staff development training sessions and parent involvement workshops. Dr. Fairest Hill's message is simply, "Yes, You Can Win, with a POSITIVE ATTITUDE."*



.

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Dr. Lisa M. Norman, VPHR  
California Regional College District

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Training Institute, October 9-12, 2018





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**Town Hall - Legal Eagles**  
Thursday, October 24, 2019  
8:30 am - 10:30 am

**Updating Your EEO Plans**  
Friday, October 25, 2019  
8:30 am - 9:45 am

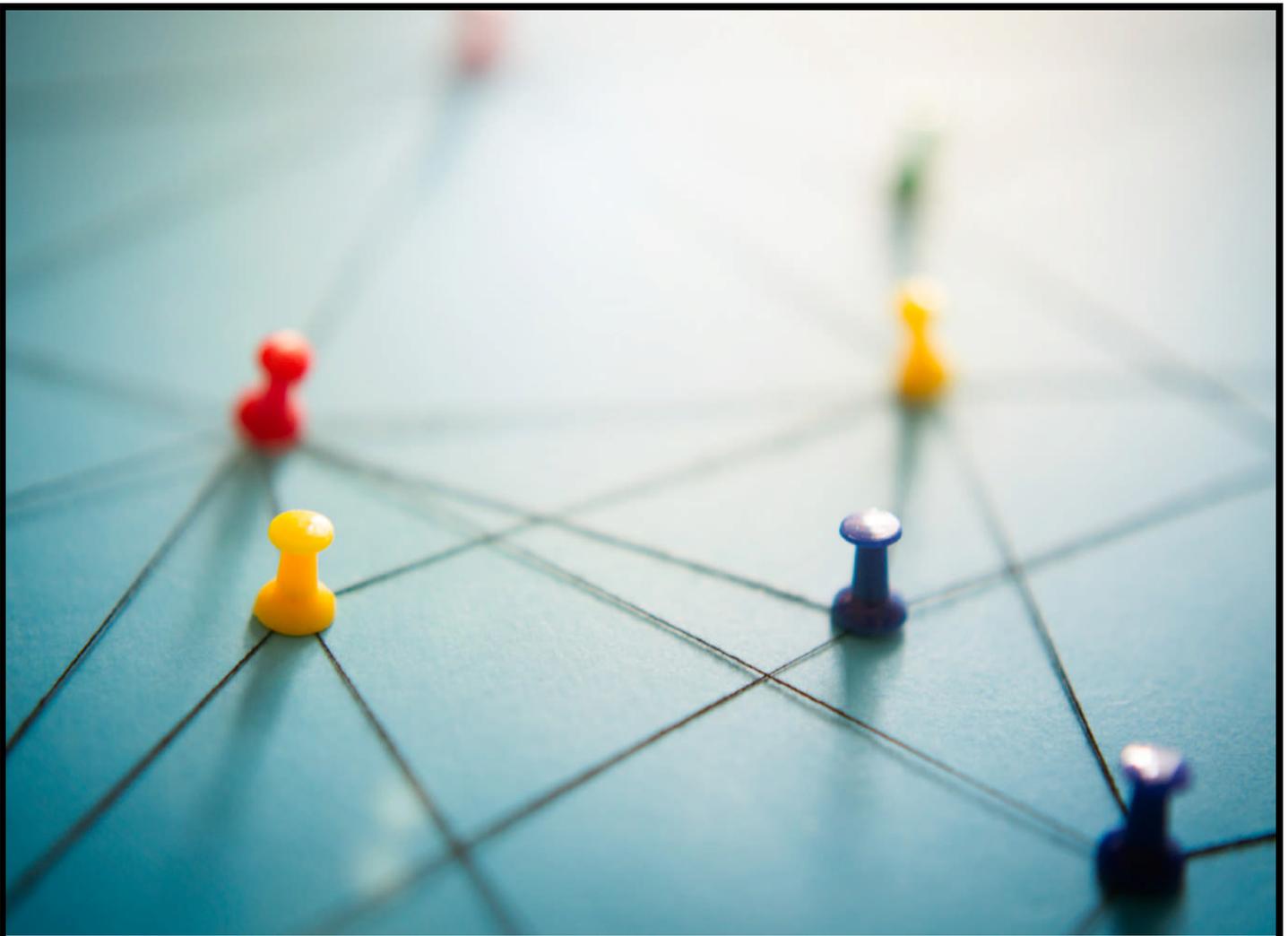
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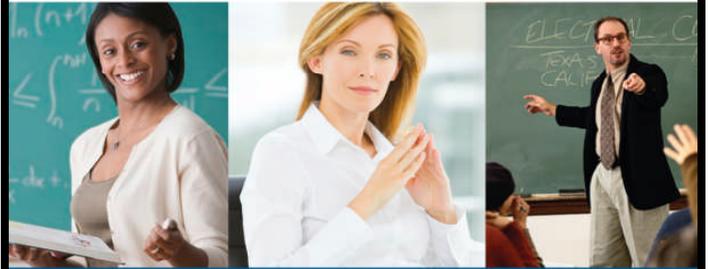
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