WESTERN WASHINGTON UNIVERSITY BOARD OF TRUSTEES MEETING OCTOBER 13 & 14, 2011

Diamond Club Safeco Field 1250 First Avenue South Seattle, WA

DRIVING DIRECTIONS:

Exiting From the North

I-5 Southbound

- Exit 165A James Street
- $_{\odot}~$ Exit 164 Dearborn Street, 4th Ave S/E. Martinez Dr. S. and Airport Way S

SR99 Southbound

 $\circ~$ Exit at 1st Ave S Safeco Field is located on 1st Ave S, one block south of the off-ramp

Exiting From the South

I-5 Northbound

 $_{\odot}~$ Exit 163 - West Seattle Freeway/Columbian Way Follow signs to Spokane St/Safeco Field via 6th Ave S northbound

- Exit 164B E.Martinez Dr. S.
- Exit 164A Dearborn St

Exiting From the Eastside

I-90 Westbound

- $\circ~$ Exit to 4th Ave S to park north or east of Safeco Field
- $\circ~$ Exit to S Atlantic St to park south or west of Safeco Field

PARKING:

Complimentary parking is available in the Safeco Field Parking Garage. A parking attendance will be on staff at 2 North from 7:00 a.m. through 12:00 Noon.

DIAMOND CLUB ENTRY:

Access to the Diamond Club is through the Third Base Entry on Frist Avenue. Signage will be placed at the Third Base Entry and in the Tunnel in front of the Diamond Club entry.

WESTERN WASHINGTON UNIVERSITY BOARD OF TRUSTEES AGENDA October 13, 14, 2011

THURSDAY, October 13, 2011

Location: Diamond Club, Safeco Field, Seattle, WA Time: 3:00 p.m.

- 1. CALL TO ORDER, APPROVAL OF MINUTES 3:00 3:05
 - Board of Trustees Meeting, August 18, 19, 2011

2. BOARD CHAIR

3:05 – 3:15

- Summary of Board of Trustees Retreat Dennis Madsen, Chair
- **3. UNIVERSITY PRESIDENT** 3:15 3:25
- **4. ASSOCIATED STUDENTS** 3:25 3:35
- 5. FACULTY SENATE 3:35 3:45

ACTION ITEMS

6. CONSENT ITEMS

3:45 – 3:50

• Approval of Carver Consultant and Delegation of Authority to Award Consultant Contract for Carver Academic Renovation (PW 645)

REPORTS

7. AUDIT COMMITTEE

- 3:50 3:55Presentation:Peggy Zoro, Chair, Board Audit Committee3:55 4:00Discussion
- 8. EXECUTIVE SESSION MAY BE HELD TO DISCUSS PERSONNEL, REAL ESTATE, AND LEGAL ISSUES AS AUTHORIZED IN RCW 42.30.110. ACTION MAY BE TAKEN. 4:00 5:00

TO: Members of the Board of Trustees

FROM: President Bruce Shepard

DATE: October 13, 2011

SUBJECT: Approval of Minutes

PURPOSE: Action Items

Purpose of Submittal:

Approval of the Board of Trustees Meeting Minutes.

Proposed Motion:

MOVED, that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve the following minutes:

• August 18, 19, 2011

Supporting Information:

Minutes of the August 18, 19, 2011 Board of Trustees Meeting

WESTERN WASHINGTON UNIVERSITY BOARD OF TRUSTEES MINUTES August 18, 19 2011

1. CALL TO ORDER

Chair Dennis Madsen called the regular meeting of the Board of Trustees of Western Washington University to order at 3:04 p.m., August 18, 2011, at Shannon Point Marine Center, Anacortes, WA.

Board of Trustees

Betti Fujikado, Secretary Karen Lee Dennis Madsen, Chair Ralph Munro, Vice Chair Phil Sharpe Dick Thompson Jacob Whitish Peggy Zoro

Western Washington University

Bruce Shepard, President Wendy Bohlke, Assistant Attorney General Stephanie Bowers, Vice President for University Advancement Sherry Burkey, Associate Vice President for University Relations Paul Cocke, Director, University Communications Eileen Coughlin, Vice President for Student Affairs and Academic Support Services Anna Ellermeier, President, Associated Students Karen Stout, President, Faculty Senate Catherine Riordan, Provost and Vice President for Academic Affairs Liz Sipes, Secretary to the Board of Trustees Steve Swan, Vice President for University Relations Richard Van Den Hul, Vice President for Business and Financial Affairs Bill Lyne, Faculty Associate to the President and Provost

2. SPECIAL REPORTS

a. LEGISLATIVE SESSION DEBRIEF

President Shepard opened discussion by noting that a lot was accomplished this legislative session. Despite the budget reductions, there were a lot of successes including the Capital Budget and the increase of the State Need Grant. Shepard said he is optimistic for Western's future because key legislators became aware that our quality education was at stake. Western's per student differential funding cut was reduced and legislators know that investment in higher education is important to protect the future of Washington State.

Sherry Burkey, Associate Vice President for University Relations and Bill Lyne, Faculty Associate to the President and Provost presented "Western Advocates, Making a Difference in

Olympia." Burkey said the key part of Western's success in Olympia was our successful advocacy efforts by our alumni, parent, students and other friends of Western.

Because of a state statute that prohibits state agencies from using state funds for "grass roots" advocacy Lyne said that no state resources were used in Western's advocacy efforts. This was a collaboration between the Western Foundation and the United Faculty of Washington State. Lyne noted that Western has more collaboration among constituent groups on campus than any other university in the state due to President Shepard's spirit of cooperation and respect for faculty. Lyne recognized all those involved in the effort including University Relations, Alumni Association, Student Services, Associated Students, Jeff Young (Biology), and the help of the Washington Education Association contributed money and staff time. Lyne specially recognized Burkey for her outstanding work in Olympia.

Lyne said that Western sent 6,678 letters and emails to Olympia in the 2011 legislative session and Western Advocates contacted 42,275 alumni, advisory board members, parents, and students. Every legislator in the state heard from at least 2 or 3 of their constituents about Western.

Lyne demonstrated the Western Advocacy website where there is information on different opportunities to support Western.

Trustees suggested ways to connect with legislators, i.e. letter writing, hosting gatherings in advocates' homes.

b. WESTERN'S MISSION IN ACTION: COASTAL ENVIRONMENTAL PROGRAMS

Catherine Riordan, Provost & VP for Academic Affairs introduced Steve Sulkin, Director of Shannon Point Marine Center. Sulkin said today's discussions will show how Shannon Point and the Marine Science programs address elements of Western's new Strategic Plan.

To address the 2nd element of the Strategic Goals, "*Expand student access to rigorous and engaging baccalaureate and graduate education*", Aunama Christmas presented her experiences as a student at Shannon Point Marine Center. In 2010 Aunama, a student from the University of the Virgin Islands, started in the Multicultural Initiative in the Marine Sciences: Undergraduate Participation (MIMSUP) program and is now a graduate student in the Master's Program at SPMC.

To address the 4th element of the Strategic Goals, "*Apply Western's experience and collaborative approach to scholarship, creativity, and research in ways that strengthen communities beyond the campus,*" SPMC implemented the Shannon Point Marine Center Public Education Initiative. Through federal grants and private donations, two ½ time staff members were hired to implement a program aimed at increasing ocean literacy among the general public and translating what is done at SPMC to a broader audience.

Dr. Jude Apple, a marine scientist in the Center for Ocean Science Education Excellence (COSEE) Pacific Partnership, explained new marine science programs that engage teachers and students at Community Colleges as well as informal audiences outside the classroom.

Denise Crowe, a trainer with MIMSUP, explained how students in the Multicultural Initiative in the Marine Sciences: Undergraduate Participation (MIMSUP) engage in wide-range of activities

with 2nd and 4th grade students and the in the community. A mobile "Ocean Science Information System" (aquarium) is taken to public education events such as public school science fairs, Kids Are Best Fest, and the Anacortes Waterfront Festival. Crowe noted that collaborative relationships have increased with communities, local Native American Tribes, and different public educational institutions.

In their outreach efforts, Shannon Point Marine Center publicizes that it is part of Western Washington University. Sulkin noted that SPMC is funded for this level of activity to the middle of 2013 but they will need federal funding or additional donations to be able to continue. Sulkin said that because SPMC has world-renowned scientists engaged in research of global significance, competition for NSF funding is mostly at the national level.

Trustee Fujikado said that SPMC is a "hidden gem" that needs to tell their story and suggested that they broaden their outreach efforts to the Seattle area.

3. EXECUTIVE SESSION

At 4:45 p.m. Chair Madsen announced that the Board would meet in Executive Session to discuss personnel, real estate and legal issues as authorized in RCW 42.30.110 for approximately 45 minutes. No action will be taken.

At 5:45 the meeting recessed until Friday, August 19, at 8:00 a.m.

WESTERN WASHINGTON UNIVERSITY BOARD OF TRUSTEES MINUTES August 19, 2011

1. CALL TO ORDER - APPROVAL OF MINUTES

Chair Dennis Madsen reconvened the meeting of the Board of Trustees of Western Washington University at 8:31 a.m., August 19, 2011, at Shannon Point Marine Center, Anacortes, WA

Board of Trustees

Betti Fujikado, Secretary Karen Lee Dennis Madsen, Chair Ralph Munro, Vice Chair Phil Sharpe Dick Thompson Jacob Whitish Peggy Zoro

Western Washington University

Bruce Shepard, President Wendy Bohlke, Assistant Attorney General Stephanie Bowers, Vice President for University Advancement Sherry Burkey, Associate Vice President for University Relations Paul Cocke, Director, University Communications Eileen Coughlin, Vice President for Student Affairs and Academic Support Services Anna Ellermeier, President, Associated Students Karen Stout, President, Faculty Senate Catherine Riordan, Provost and Vice President for Academic Affairs Liz Sipes, Secretary to the Board of Trustees Steve Swan, Vice President for University Relations Richard Van Den Hul, Vice President for Business and Financial Affairs

MOTION 08-01-2011 Ralph Munro moved, that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve the minutes of the June 9, 10, 2011 Board of Trustees Meeting.

Motion carried.

2. RECOGNITIONS AND INTRODUCTIONS

Rich Van Den Hul, Vice President for Business and Financial Affairs, introduced John Furman, the new Director of Facilities Management.

Catherine Riordan, Provost and Vice President for Academic Affairs, introduced Dr. Earl Gibbons, the Vice Provost for Extended Education.

3. BOARD CHAIR REPORT

Dennis Madsen welcomed our new Student Trustees, Jacob Whitish and read Resolution No, 2011-06.

WESTERN WASHINGTON UNIVERSITY BOARD OF TRUSTEES

RESOLUTION NO. 2011-06 WELCOMING TRUSTEE JACOB WHITISH

WHEREAS, on July 5, 2011, Governor Christine Gregoire appointed JACOB WHITISH of Shelton, Washington, to serve a one-year term on the Western Washington University Board of Trustees; and

WHEREAS, JACOB WHITISH is a senior in good standing at Western Washington University pursuing a B.A. in Environmental Studies in Disaster Reduction and Emergency Preparedness and has supplemented his course load with classes in Business Law, Financial Accounting, Micro and Macro Economics, and Management; and

WHEREAS, JACOB WHITISH brings to his appointment as a trustee dedication to the campus community through his service as an Account Executive in the Western Washington University Associated Students Publicity Center; and

WHEREAS, JACOB WHITISH, recipient of the Eagle Scout Award, brings to his appointment as a trustee, dedication to his community by giving back to the youth members of the Boy Scouts of America, and by working on a community service project to improve Franklin Park in Bellingham; and

WHEREAS, JACOB WHITISH was nominated by an Associated Students committee to serve as a student member of the Western Washington University's Board of Trustees; and

WHEREAS, JACOB WHITISH has declared his commitment to serve as a member of the Western Washington University Board of Trustees;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Western Washington University officially extends a warm welcome to **JACOB WHITISH** as he begins his term on the Board.

PASSED AND APPROVED by the Board of Trustees of Western Washington University at its regular meeting on August 19, 2011.

4. UNIVERSITY PRESIDENT

President Shepard reported that Western's first Honorary Doctorate degree, honoring achievement in areas of academic pursuit, will be awarded at the December 10, 2011 Commencement Ceremony.

The President's Award, our highest community honor, is presented to those who have given distinguished service to the university and the region. Our first recipients, Jack and JoAnn Bowman, will be presented the award at the August 20, 2011 Commencement Ceremony.

Stephanie Bowers, Vice President for University Advancement reported that Western has established an office in Seattle. She and Sherry Burkey will have an opportunity to maximize Western's visibility, work with campaign supporters, and create closer ties with business, industry, and education leaders in the greater Seattle area.

The Seattle Trustees offered their help in making contacts with leaders in the King County area.

5. ASSOCIATED STUDENTS

Anna Ellermeier, Associated Students President, introduced the AS Board members attending the meeting. She gave an address to over 2,000 students who participated in the Summer Start sessions. Ellermeier reported that over the summer, AS started a new Communications & Marketing office, invested in a new structure in the Outback, and lobbied strongly for student issues during the legislative session in Olympia. She noted that Western is a leader in The Washington Student Association (WSA), a consortium of universities across the state.

6. FACULTY SENATE

Karen Stout, Faculty Senate, reported that the Senate will edit some of the language in the Faculty Handbook; will finalize a policy on consensual relationships on campus; will partner with the efforts in Olympia; and in consideration of the current budget, will look at efficiencies in the Senate Office and how their constituents can be better served.

7. CONSENT ITEMS

MOTION 6-2-2011 Ralph Munro moved that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve the following consent items:

- Approval of Summer Quarter Degrees
- Consultant Contract for Design Services for Classroom and Lab Upgrades (PW644)

Motion carried.

Trustee Sharpe recused himself from the meeting during Board action on the following consent item.

- MOTION 6-3-2011 Ralph Munro moved that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve the following consent items:
 - Delegation of Authority to Award Consultant Contract for Mathes Hall Renovation (PW 642)

Motion carried.

Trustee Sharpe rejoined the meeting.

8. APPROVAL OF POL-U6000.02 NAMING UNIVERSITY BUILDINGS, LARGE OPEN SPACES AND ALL OTHER UNIVERSITY FACILITIES (REVISED POLICY: NAMING UNIVERSITY FACILITIES

President Shepard reported that the naming policy had been re-examined in order to better prepare for the comprehensive campaign, and the current policy and processes have been updated.

In response to a question regarding sponsorships, Stephanie Bowers, Vice President for University Development, said a process for approval of sponsorships is under consideration. In the interim, the president must approve all sponsorships for limited term namings.

MOTION 6-4-2011 Phil Sharpe moved that the Board of Trustees of Western Washington University, upon the recommendation of the President, approves POL-U6000.02 Naming University Buildings, Large Open Spaces And All Other University Facilities.

Motion carried.

9. APPROVAL OF POL-U6000.03 NAMING UNIVERSITY COLLEGES, AND ALL OTHER INSTUTUTES, CENTERS AND PROGRAMS

MOTION 6-5-2011 Phil Sharpe moved that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve POL-U6000.03 Naming Colleges and All Other Institutes, Centers and Programs.

Motion carried.

10. APPROVAL OF 2012 BOARD OF TRUSTEES MEETING SCHEDULE

MOTION 6-6-2011 Ralph Munro moved that the Board of Trustees of Western Washington University, establish the following meeting schedule for the year 2012:

- February 9, 10, 2012
- April 12,13, 2012
- June 7, 8, 2012
- August 16,17, 2012
- October 11, 12, 2012
- October 11, 12, 2012
- December 13, 14, 2012

Motion carried.

11. BANNER INITIATIVES PROJECT UPDATE

Rich Van Den Hul, Vice President for Business and Financial Affairs, and Wanda VanCuren, Manager of Financial Systems and Project Manager for the Banner Initiatives, presented the Board with an update on the project. Examples of the projects completed in 2010/2011 are the Chart of Accounts Conversation, Banner GASB module, Budget Development/Salary Planner, Millennium Data Warehouse, Banner Grant module, and Automated Budget and Accounting Journal Vouchers.

Following discussion with end-users, several initiatives were added, including simplifying and automating business processes, improving services to campus, improving reporting capabilities, providing effective training and providing efficient post implementation support. Need for future improvements in the system in the Finance and Human Resources area have also been identified. Van Den Hul said that we will be looking at "Best Practices" as we make these improvements. He reported that Banner streamlining projects in other areas have also been happening, i.e. Financial Aid processes, Scholarship processes.

12. THE BRAND IN ACTION: THE WESTERN EXPERIENCE

Riordan said that following a climate survey of faculty and staff, Western was recognized for such things as collaborative governance, confidence in senior leadership, teaching environment, and tenure clarity and process. The Chronicle of Higher Education has named Western a **2011** Great College To Work For.

Catherine Riordan, Provost and Vice President Academic Affairs and Steve VanderStaay, Vice Provost for Undergraduate Education provided examples of how Western students experience all elements of the Western Brand Personality – Inviting, Adventurous, Engaging, Collaborative, Distinctive. President Shepard said he now refers to Western's Brand as Western's "Promise" to our students.

VanderStaay noted that Western's Study Abroad opportunities have increased and we are now recognized as one of the top producers of Fulbright Fellowships in the nation. Western is also one of two public state universities to receive the Carnegie classification for Human

Engagement and one of only two universities in Washington to receive President Obama's Honor Roll Recognition for our community service.

At 10:47 am Chair Madsen announced a 15 minute break.

The Board reconvened at 11:10 am.

13. RETHINKING INSTRUCTIONAL SPACE

Catherine Riordan, Provost and VP for Academic Affairs, and Debra Jusak, Vice Provost for Academic Resources presented **Rethinking Instructional Space**, a collaborative between Jusak and Francis Halle, Director of Space Administration.

The \$4.8M for classroom and lab upgrades approved by the State Legislature allows Western to improve learning by providing modern and functional teaching space across campus. Jusak reported that the Classroom and Lab Upgrades Project has recommended ways to better utilize learning space, increase capacity and room performance, using modern ergonomic furniture. Jusak said that utilization and performance of the renovated spaces will be tracked in Banner.

14. EXTENDED EDUCATION: BUILDING ON THE PAST WHILE PREPARING FOR A BRIGHT FUTURE

Dr. Earl Gibbons, Vice Provost for Extended Education, presented to the Board, plans to continue to grow Western's summer programs and online education. Extended Education plans to explore new outreach opportunities and new ways to serve the needs of Washington residents throughout our region and around the State. They are also seeking new partnerships and developing new programs to meet the State's evolving needs, such as the development of a RN to BSN nursing program, and the expansion of offerings available to working adults and place bound individuals.

Gibbons said this is an enormous opportunity for us to demonstrate the value of public higher education and the value of Western to a wider constituency.

REPORTS

16. AUDIT COMMITTEE

Trustee Phil Sharpe reported that at the June 9, 2011 Board Audit Committee meeting they:

- Received the Draft Internal Audit Annual Report to the BOT
- Received the Internal Audit Report Whitepaper
- Heard the Internal Audit Update
- Reviewed the President's Expenses for 4/1/2011- 6/30/2011
- Met in private session with the President and Internal Audit Director separately

17. INFORMATION ITEMS

Alumni Relations Report

Vice President Bowers provided a written report on the university's Alumni Relations activities.

Capital Program Report

Vice President Van Den Hul provided a written report on the university's capital projects.

Development Report

Vice President Bowers provided a written report on activities of the Western Washington University Foundation.

• Quarterly Academic Update

Provost Riordan provided a written report on the:

- "Bottleneck" Funding and Course Access
- Honors Expansion Report
- CHE article

University Relations Report

Vice President Swan provided a written report on the recent activities of University Relations.

18. FUTURE AGENDA TOPICS

19. DATE FOR NEXT REGULAR MEETING: October 13 & 14, 2011

20. ADJOURNMENT

The meeting adjourned at 12:00 Noon.

21. LUNCH

The Trustees enjoyed a lunch at Shannon Point Marine Center.

TO: Members of the Board of Trustees

FROM: Dennis Madsen, Chair, Board of Trustees

DATE: October 13, 2011

SUBJECT: Board Chair Report

PURPOSE: Information Item

Purpose of Submittal:

Board Chair Dennis Madsen will present a summary of the September 30, 2011 Board of Trustees Retreat.

TO: Members of the Board of Trustees

FROM: Bruce Shepard, President

DATE: October 13, 2011

SUBJECT: President's Report

PURPOSE: Information Item

Purpose of Submittal:

President Shepard will offer brief reflections on issues of interest to the Board.

TO: Members of the Board of Trustees

- **FROM:** President Bruce Shepard on behalf of the Associated Students
- **DATE:** October 13, 2011
- **SUBJECT:** Associated Students
- PURPOSE: Associated Students Report

Purpose of Submittal:

Anna Ellermeier, AS president, will brief the Board on recent activities of the Associated Students.

- **TO:** Members of the Board of Trustees
- **FROM:** President Bruce Shepard on behalf of the Faculty Senate
- **DATE:** October 13, 2011
- **SUBJECT:** Faculty Senate
- PURPOSE: Information Item

Karen Stout, Faculty Senate President, will brief the Board on recent activities of the Faculty Senate.

TO: Members of the Board of Trustees

FROM: President Bruce Shepard

DATE: October 13, 2011

SUBJECT: Consent Items

PURPOSE: Action Items

Purpose of Submittal:

Approval of the university recommendations provided on the consent item agenda.

Proposed Motion:

MOVED, that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve the following consent items:

• Approval of Carver Consultant and Delegation of Authority to Award Consultant Contract for Carver Academic Renovation (PW 645)

Supporting Information:

Materials supporting the consent item agenda are attached.

TO: Members of the Board of Trustees

FROM: President Bruce Shepard by Vice President Van Den Hul

DATE: October 13, 2011

SUBJECT: Approve Consultant Ranking and Delegate Authority to Award Consultant Contract for Carver Academic Renovation, PW 645

PURPOSE: Action Item

Purpose of Submittal:

Approve awarding of a consultant contract for the Carver Academic Renovation, PW 645, according to the ranking of the Consultant Design Team (see following page). The design contract award will follow Board action. Design to start in November 2011. Construction to start in January 2014. Project completion is scheduled to be complete in April 2016.

Proposed Motion:

MOVED, upon the recommendation of the President, that the Board approves the ranking as ranked by the Consultant Design Team, and authorizes the President or his delegate to award contracts and execute documents for the design of Carver Academic Renovation, PW 645.

Supporting Information:

This project includes the design for a major renovation of the Carver facility including improving ADA access; abating hazardous materials; upgrading structural system for seismic; upgrading mechanical and electrical systems; and renovating space to meet the Physical Education, Health and Recreation Department (PEHR), Dance program, and Athletics Department programs. The University will be seeking approval from the State in December to utilize the General Contractor/Construction Manager (GC/CM) construction process. The project will also target a minimum LEED silver.

LMN Architects, Seattle, WA, was the highest ranked applicant through a Request for Qualification (RFQ) process. Advertisement of the RFQ occurred on June 20, 2011, and closed on July 15, 2011. Ten (10) proposals were submitted by design firms. The University selection committee reviewed submittals from the 10 firms and then interviewed four (4) firms in their offices as well as toured example projects. LMN was the highest scoring firm. At this time University staff are beginning the contract negotiation process. If the negotiations are unsuccessful the University will move to the next ranked applicant.

The budgeted design fee is approximately \$4,600,000. The estimated total project cost is \$75 million.

Source of Funding: State Building Construction Account – Appropriated

Carver Academic Renovation PW645

Consultant Interview Scores / Ranking September 30, 2011

F	LMN Archited	<u>cts</u> Mahlum	NAC Architectu	Opsis ure Architecture
Linda Beckman	1	3	4	2
Rick Benner	1	3	4	2
Brent Carbajal	4	3	2	1
John Furman	1	3	3	2
Dan Guyette	1	3	4	2
Francis Halle	1	3	4	2
-	Fotal 9	18	21	11
R	ANK 1	3	4	2

Ranked Scores

TO: Members of the Board of Trustees

FROM: Peggy Zoro, Chair, Board Audit Committee

DATE: October 13, 2011

SUBJECT: Audit Committee Report

PURPOSE: Information Item

Purpose of Submittal:

To report to members of the Board of Trustees and the university president and his staff topics related to the Board Audit Committee.

EXECUTIVE SESSION MAY BE HELD TO DISCUSS PERSONNEL, REAL ESTATE, AND LEGAL ISSUES AS AUTHORIZED IN RCW 42.30.110. ACTION MAY BE TAKEN.