



THE SOLOMON AMENDMENT

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American Association of Collegiate Registrars and Admissions Officers

www.aacrao.org

PLEASE NOTE

- The following general information is provided for AACRAO members' professional development. Institutions are strongly encouraged to develop any campus policies through consultation with legal counsel.

BACKGROUND OF THE SOLOMON AMENDMENT

- Final regulations published Oct. 23, 1998; 32 CFR Part 216 by Dept. of Defense; Interim Rule published Jan. 13, 2000.
- DoD title: “Military Recruiting and ROTC Program Access to Institutions of Higher Education”
- Statute: Nat’l Defense Authorization Act for FY95, the Nat’l Defense Authorization Act for FY96, and the Omnibus Consolidated Appropriations Act, 1997

AACRAO Recommendation

- PRINT OUT FINAL REGULATIONS, READ THEM CAREFULLY, REFER TO THEM OFTEN
- Regulations are available on AACRAO's Compliance Web page at www.aacrao.org

SOLOMON AMENDMENT IMPLICATIONS

- Gives branches of the military access to student directory information which would have been denied them under FERPA (the Family Educational Rights and Privacy Act of 1974)
- Institutions that refuse to comply with military requests for student info. may be denied or may lose Depts. of Education, Defense, Labor, Health and Human Services, Transportation federal funds. These include research grants, etc., but not student aid.

“Student Recruiting Information”

- Under FERPA, reporting student info. to public is unlawful; under Solomon, it is **required** that institutions fill **military** requests for ‘student recruiting information’

“Student Recruiting Information”

- “Student Recruiting Info.” includes:
 - student’s name, address, telephone number, age (dob), place of birth*, class, major, degrees rec’ed*, most recent educational institution attended* (* Not in final ‘98 regs, but ‘00 Interim Rule says institutions could lose DoD funds if this information is not provided)
 - Gender, race/ethnicity/nationality, drop-outs, veteran status **NOT** allowed to release
- Solomon defines a “student” as a person over 17 years of age enrolled for 1 or more credit hours at the institution.

STUDENT RIGHTS

- Students may, under FERPA, deny military recruitment officers access to school-designated directory information by “opting out”
 - **DoDefense must accept school policy/student wishes as long as school certifies that NO prospective employers are allowed access to a student’s info.**
 - **If “opting out” is applied ONLY to the military, school may be in violation of Solomon; the law states that it is NOT “necessary or appropriate” for students/schools to refuse directory info. specifically to military representatives and ROTC**

INSTITUTIONAL RIGHTS

- Institutions can charge and set a “reasonable & customary” fee to the military for reporting
- Pacifist institutions (based on a historical religious affiliation) are exempt from Solomon
- If info. requested by military is not collected by the school, the school is not in violation of Solomon (but must provide written explanation & directory info. it does collect)

OTHER LEGAL CONSIDERATIONS

- If sub-element of institution (i.e., undergrad/professional schools) violates Solomon, the parent institution is **not** liable and larger system funding will not be affected. EXCEPTION: A parent institution can now lose DoD funds if its sub-element denies the military access on campus/to student lists.
- Military units eligible to make Solomon requests: 12 units for 4 branches of service and ROTC
- Each military branch unit may request “student recruiting information” ONCE A TERM only

Solomon Amendment Questions Answered

- If you have questions about Solomon, contact:
 - **William Carr, U.S. Department of Defense
703/697-8444**
 - **Jacque Gourley, AACRAO Gov't Relations,
202/263-0282**
- If you question the legitimacy of a military representative requesting information, contact **William Carr, DoD, 703/697-8444**