

AACRAO

Special Report

Data Dispenser

June 2000

The Solomon Amendment: A Survey of Campuses and Military Recruiters

In March, AACRAO released a survey to campus administrators and U.S. Army recruiters to identify current practices relating to the Solomon Amendment. The Solomon Amendment mandates that institutions that receive certain federal agency funding must fulfill military recruiter requests for lists containing student recruiting information. The personally identifiable information released about students as required by the Solomon Amendment would have been denied recruiters or other third parties under the Family Educational Rights and Privacy Act of 1974 (FERPA). The results of this survey are intended to inform both groups of the prevailing level of awareness and understanding of the Solomon Amendment.

Characteristics of Campus Respondents

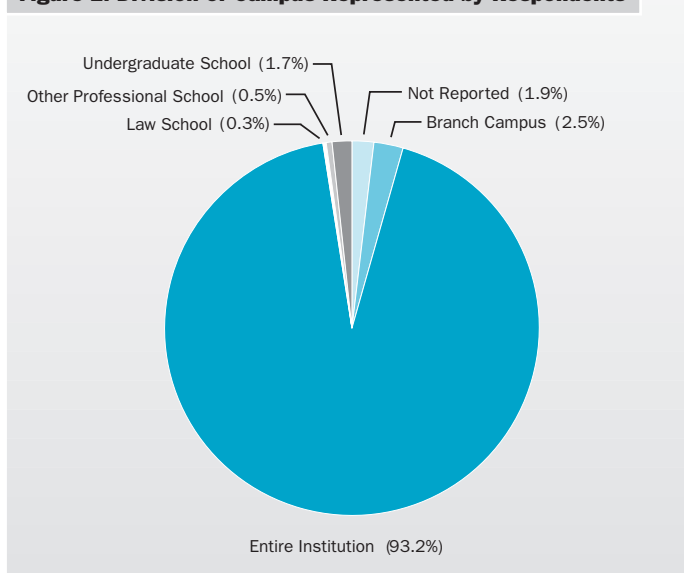
A total of 643 campus administrators responded to the survey. Respondents were asked to submit a single survey from each institution, branch campus or institution sub-element.

Respondents were predominately from either the public (52 percent) or private non-profit (45 percent) sector and were mainly 4+ year (undergrad, grad, and/or professional)

Table 1: Respondent Characteristics by Type and Control

Type and Control	Percent
Public (2-year)	23.6
Public (more than 2-year)	28.6
Private (non-profit)	44.9
Proprietary (for-profit)	2.6
Not Reported	0.2
Total	99.9

Figure 1: Division of Campus Represented by Respondents



(52 percent). When classified according to type and control, respondents were distributed as seen in Table 1.

Respondents primarily served their entire institution (93 percent) as shown in Figure 1 and reported to either the academic (53 percent) or student services/student affairs (32 percent) division. Respondents also identified other divisions to which they report: administration/business (7.7 percent); information management (0.9 percent); and other (6.2 percent). The primary area of professional responsibility for most respondents was registrar/records management (64.2 percent) with an additional 21 percent indicating registrar/records management along with other areas of responsibility including admissions, academic advising, institutional research, enrollment management, data processing/information technology. Admissions and/or

enrollment management was identified as the primary responsibility(ies) for 5.6 percent of the respondents and institutional research accounted for 2.5 percent of the responses.

Characteristics of Military Respondents

A total of 99 Army recruiters submitted surveys. The majority of respondents were station commanders (68 percent) or company commanders (20 percent) while a few were AMEDD recruiters of health professionals for the Army Medical Corps (5 percent) and JAG recruiters of lawyers for the Army's Judge Advocate Corps (2 percent). Further, respondents were more likely to be assigned to the 1st, 3rd, or 5th recruiting brigades (26 percent, 25 percent, or 30 percent respectively). One percent responded from the 2nd recruiting brigade while 14 percent represented the 6th recruiting brigade. The 1st Brigade is comprised of the Mid-Atlantic and New England states, the 2nd of the Southern region states, the 3rd of the Upper Midwest states, the 5th of the lower Midwest and the 6th of the Western states.¹

When asked to name the states in which they were responsible for requesting student recruiting information from higher education institutions, military respondents mentioned 34 different states distributed fairly evenly across the United States geographically. The states mentioned most often were Texas, Illinois, New York, and California. Most respondents identified one or two states for which they were responsible, while 4 respondents were responsible for 3 or more states. Two respondents, one from the New England and one from the Mid-Atlantic region, were each responsible for a cluster of states in those regions.

The majority of military respondents had requested information from between one and three institutions. The percentage of fulfilled requests ranged from one percent to 100 percent, with 100 percent the most common answer from 27 percent of military respondents. With 16 percent failing to respond to the question, the remaining 67 percent was spread evenly from 0 to 90 percent. The majority, 53 percent, indicated that the percentage of requests fulfilled was about the same as in previous years while 37 percent indicated it was higher and 2 percent indicated that it was lower than in previous years.

About 88 percent of military respondents requested information from public institutions, 31 percent of military respondents requested information from private non-profit institutions, and only 23 percent of respondents had requested information from proprietary for-profit institutions. Respondents were more likely to request students lists from institutions with 1,000 to 4,999 enrollment: 45 percent of respondents requested information from institutions with enrollments of 1,000 to 2,499 and 36 percent had requested information from institutions with 2,500-4,999 enrollment. About a quarter had requested student lists from schools with

under 1,000 student enrollment, while around 30 percent had requested student lists from institutions with over 5,000-9,999 student enrollment and 17 percent had requested student lists from institutions with 10,000-19,999 student enrollment. Few respondents indicated that they requested student lists from institutions with more than 20,000 student enrollment.

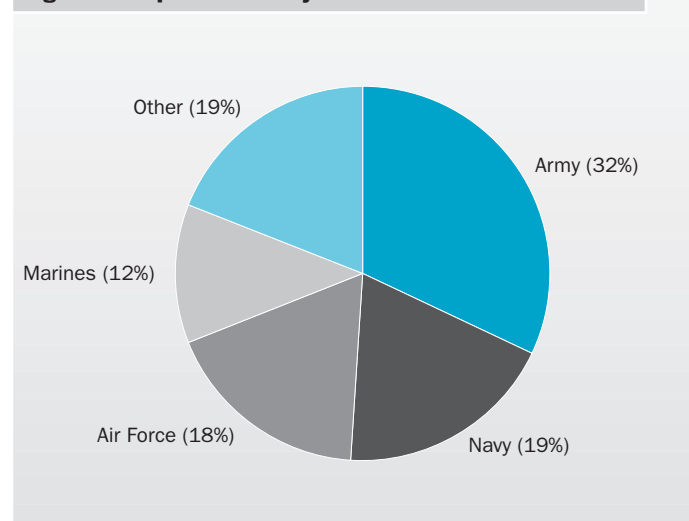
In regard to institution surroundings, 50 percent of military respondents had requested information from urban institutions, 42 percent had requested information from rural institutions, and 25 percent had requested information from suburban institutions.

Incidence of Requests by Branch of the Armed Services

Campus respondents were asked how many Solomon Amendment requests they received from each branch of the military during the September 1998 thru August 1999 school year.

The most requests, 32 percent of the total, came from the Army. The Navy, Air Force, and Marines followed in number of requests with 19 percent of requests from the Navy, 18 percent of requests from the Air Force, and 12 percent of requests from the Marines. The Reserve components of the branches of the military combined accounted for less than 9 percent of the requests made. The least number of requests, 0.1 percent of the total, was received from the Coast Guard. The responses for ROTC indicated that 6.9 percent of Solomon Amendment requests received were from Army ROTC and less than 1.5 percent were from ROTC Navy, Marines and Air Force. (See Figure 2.)

Figure 2: Requests Made by Branch of the Armed Services



Public two-year institutions received an average of 4 requests per year and public four-year institutions received an average of 4.5 requests per year. Private, non-profit institutions received an average of 3.5 requests per year and private for-profit institutions received an average of 1.3 requests per year.

¹ There is no 4th recruiting brigade.

Table 2: Standard Student Recruiting Information Requested/Received

[Please note that the military recruiter survey was limited to U.S. Army recruiters while the institutional survey data reflects requests made by all branches of the military and ROTC units.]

Information Category		Frequency of Response (Percentage)					
		Always	Often	Sometimes	Seldom	Never	(Missing)
Name							
<i>Inquiries</i>	Made (ARMY)	79.0	5.0	5.0	1.0	5.0	5.0
	Received (INST)	83.8	2.8	1.1	0.6	2.6	9.0
<i>Fulfillment</i>	Received (ARMY)	52.0	8.0	18.0	4.0	10.0	8.0
	Provided (INST)	84.8	2.8	0.6	0.3	3.0	8.6
Address							
<i>Inquiries</i>	Made (ARMY)	75.0	7.0	6.0	1.0	6.0	5.0
	Received (INST)	82.1	4.0	1.4	0.3	3.0	9.2
<i>Fulfillment</i>	Received (ARMY)	45.0	12.0	18.0	7.0	10.0	8.0
	Provided (INST)	83.8	2.6	1.2	0.3	3.3	8.7
Phone							
<i>Inquiries</i>	Made (ARMY)	75.0	5.0	7.0	1.0	7.0	5.0
	Received (INST)	61.6	9.8	6.8	3.0	5.4	13.4
<i>Fulfillment</i>	Received (ARMY)	28.0	10.0	30.0	11.0	13.0	8.0
	Provided (INST)	73.6	3.0	2.8	1.6	6.4	12.8
Age/Date of Birth							
<i>Inquiries</i>	Made (ARMY)	51.0	7.0	15.0	3.0	18.0	6.0
	Received (INST)	38.6	15.1	12.9	5.0	11.4	17.1
<i>Fulfillment</i>	Received (ARMY)	17.0	10.0	27.0	11.0	26.0	9.0
	Provided (INST)	52.3	3.9	5.1	2.5	19.1	17.1
Class Level							
<i>Inquiries</i>	Made (ARMY)	55.0	9.0	10.0	4.0	16.0	6.0
	Received (INST)	36.9	17.9	16.5	3.3	8.4	17.1
<i>Fulfillment</i>	Received (ARMY)	27.0	10.0	24.0	9.0	22.0	8.0
	Provided (INST)	58.5	4.7	4.0	2.2	13.5	17.1
Academic Major							
<i>Inquiries</i>	Made (ARMY)	34.0	11.0	16.0	5.0	27.0	7.0
	Received (INST)	30.8	17.3	17.7	6.5	11.5	16.2
<i>Fulfillment</i>	Received (ARMY)	12.0	15.0	22.0	12.0	30.0	9.0
	Provided (INST)	60.3	4.5	4.4	2.6	11.8	16.3
Degree(s) Received							
<i>Inquiries</i>	Made (ARMY)	22.0	8.0	18.0	7.0	37.0	8.0
	Received (INST)	13.8	8.2	15.6	12.8	27.2	22.4
<i>Fulfillment</i>	Received (ARMY)	5.0	10.0	21.0	12.0	41.0	11.0
	Provided (INST)	43.1	3.3	5.3	3.0	21.3	24.1

ARMY=Army Respondents INST=Institution

Table 3: Non-Standard Student Recruiting Information Requested/Received

[Please note that the military recruiter survey was limited to U.S. Army recruiters while the institutional survey data reflects requests made by all branches of the military and ROTC units.]

Information Category		Frequency of Response (Percentage)					
		Always	Often	Sometimes	Seldom	Never	(Missing)
Race/Ethnicity							
<i>Inquiries</i>	Made (ARMY)	1.0	—	2.0	6.0	83.0	8.0
	Received (INST)	1.4	7.3	12.3	11.0	58.6	9.3
<i>Fulfillment</i>	Received (ARMY)	—	—	2.0	8.0	62.0	28.0
	Provided (INST)	9.3	1.1	2.3	2.6	59.3	25.3
Veteran Status							
<i>Inquiries</i>	Made (ARMY)	12.0	4.0	14.0	5.0	57.0	8.0
	Received (INST)	1.1	2.6	10.0	10.7	64.9	10.7
<i>Fulfillment</i>	Received (ARMY)	—	5.0	13.0	11.0	45.0	26.0
	Provided (INST)	8.7	0.8	3.4	2.2	57.7	27.2
Students No Longer Enrolled							
<i>Inquiries</i>	Made (ARMY)	34.0	16.0	10.0	5.0	26.0	9.0
	Received (INST)	5.9	22.7	27.2	7.3	28.3	8.6
<i>Fulfillment</i>	Received (ARMY)	3.0	3.0	26.0	12.0	35.0	21.0
	Provided (INST)	14.3	3.3	5.6	2.5	55.2	19.1

ARMY=Army Respondents INST=Institution

Student Data Requested and Given

Campus officials reported that Solomon Amendment requests consistently asked for student name, address, and phone number. Information about student age, class level, academic major, and degree(s) received was requested less frequently. Over 80 percent of respondents reported that they “always” provided student names and addresses. Further, 74 percent of respondents “always” provided the students’ phone number, and over 50 percent “always” provided the student age, class level, and academic major. There was a significant discrepancy between the institutional respondents’ and Army recruiters’ indication of how often student recruiting information was requested and given. In general, institutions indicated that they fulfilled more requests for student recruiting information than Army recruiters indicated they received from campuses.

Regarding student information that is not standard “student recruiting information” because it is a violation of the Solomon Amendment and FERPA to release: 32 percent of campus respondents had received a request for student race/ethnicity, 24 percent had received a request for student veteran status, and 63 percent had received a request for a list of students no longer enrolled. AACRAO members were

also asked how often they provided this non-standard information. About 15 percent had provided race/ethnicity data and veteran status information. About 26 percent had provided lists of students no longer enrolled. (See Tables 2 and 3.)

Campus Systems in Place for Solomon Amendment Requests and Requests for Sub-Groups

Half of the campus respondents (49.2 percent) indicated that their institutions had not systematized the fulfillment of Solomon Amendment requests; 47.4 percent indicated that they had systems in place to handle Solomon Amendment requests. Of all the campus respondents, 41.9 percent indicated that their institutions had the capability to sort the student information and 35.8 percent indicated their institutions had the capability to eliminate specific categories of student recruiting information. Only 27.9 percent of campus respondents indicated they had the capability to run reports on sub-groups, with 19.8 percent indicating that they did not have the capability to do so.

Both Army recruiters and institutional respondents were asked to indicate how frequently they received and requested lists containing sub-groups of student recruiting information, such as lists for students in a particular zip code, area code,

Table 4: Standard Student Recruiting Information Requested/Received by Sub-Groups

[Please note that the military recruiter survey was limited to U.S. Army recruiters while the institutional survey data reflects requests made by all branches of the military and ROTC units.]

Information Category		Frequency of Response (Percentage)				
		Often	Sometimes	Seldom	Never	(Missing)
Address (e.g., specific zip codes only)						
<i>Inquiries</i>	Made (ARMY)	21.0	11.0	6.0	48.0	14.0
	Received (INST)	7.5	12.4	11.4	57.7	11.0
Phone (e.g., specific area codes only)						
<i>Inquiries</i>	Made (ARMY)	24.0	11.0	4.0	46.0	15.0
	Received (INST)	4.7	7.0	12.3	63.9	12.1
Age/Date of Birth (e.g., students aged 18-25)						
<i>Inquiries</i>	Made (ARMY)	33.0	13.0	7.0	33.0	14.0
	Received (INST)	20.7	22.6	9.5	37.2	10.4
Class Level (e.g., freshmen only)						
<i>Inquiries</i>	Made (ARMY)	21.0	14.0	11.0	39.0	15.0
	Received (INST)	12.9	26.6	12.1	37.8	10.6
Academic Major (e.g., engineering students only)						
<i>Inquiries</i>	Made (ARMY)	13.0	13.0	11.0	47.0	16.0
	Received (INST)	12.8	21.6	14.3	40.0	11.4

ARMY=Army Respondents INST=Institution

Table 5: Non-Standard Student Recruiting Information Requested/Received by Sub-Groups

[Please note that the military recruiter survey was limited to U.S. Army recruiters while the institutional survey data reflects requests made by all branches of the military and ROTC units.]

Information Category		Frequency of Response (Percentage)				
		Often	Sometimes	Seldom	Never	(Missing)
Race/Ethnicity (e.g., African Americans only)						
<i>Inquiries</i>	Made (ARMY)	1.0	3.0	8.0	74.0	14.0
	Received (INST)	3.7	12.3	11.4	63.0	9.6
Veterans						
<i>Inquiries</i>	Made (ARMY)	11.0	11.0	10.0	54.0	14.0
	Received (INST)	0.8	9.2	12.4	67.2	10.4
Students No Longer Enrolled						
<i>Inquiries</i>	Made (ARMY)	35.0	12.0	5.0	36.0	12.0
	Received (INST)	—	—	—	—	—
Other Status						
<i>Inquiries</i>	Made (ARMY)	1.0	4.0	8.0	63.0	24.0
	Received (INST)	2.3	15.4	10.7	50.5	21.0

ARMY=Army Respondents INST=Institution

Figure 3: Institutions Charging Fees for Student Lists

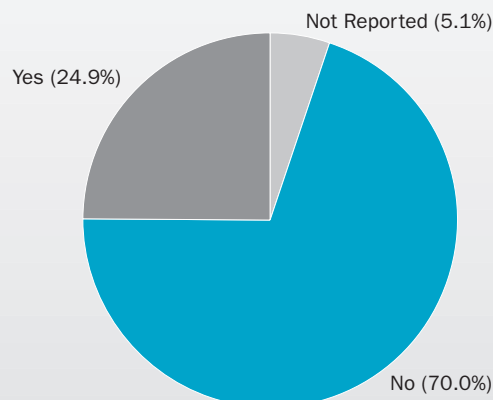


Figure 4: Type of Fee Charged for Student Lists

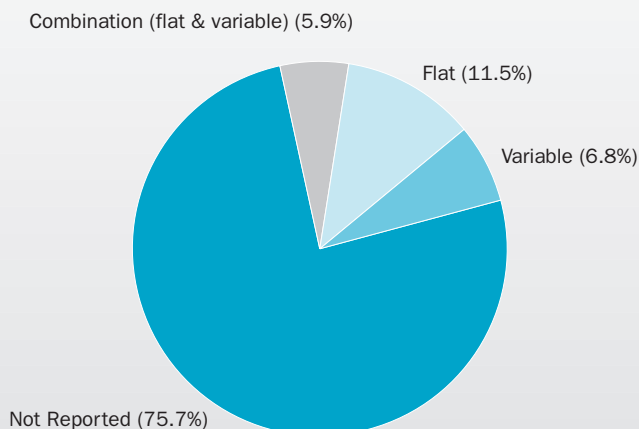
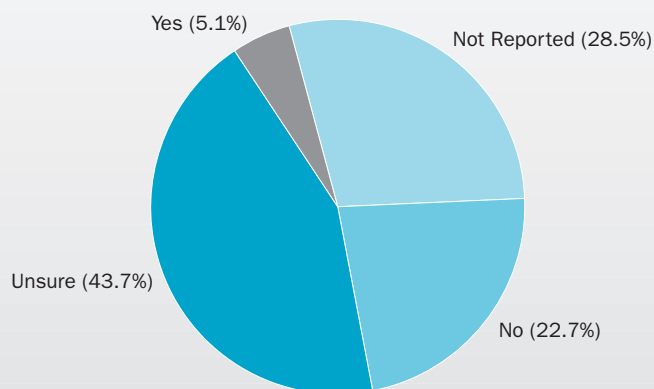


Figure 5: Institutions Planning to Charge Fees in the Future



age group, class level, academic major, or ethnic group, or lists of student veterans. Campus respondents indicated they more frequently received requests for specific age groups than for those in a specific class level or academic major. Campus respondents indicated that they infrequently received requests for sub-groups of student address/zip code, phone number/area code, race/ethnicity or veteran status. In general, military recruiters indicated that they requested more lists containing sub-groups of student recruiting information than campus respondents indicated they receive. See Tables 4 and 5.

Formats of Student Lists

Respondents were asked to list the medium/media in which they were capable of filling requests. Paper was the most prevalent medium, with 87 percent of respondents able to fill requests with paper lists. Other media used to fill requests were disk (64 percent of respondents were able to fulfill requests on disk), labels (57 percent of respondents were able to fulfill requests by providing labels), and electronic (52 percent of respondents were able to fulfill requests electronically).²

Fees for Fulfilling Solomon Amendment Requests

About 70 percent of respondents indicated they did not charge a fee for providing student lists, and 25 percent indicated they charged a fee. (See Figure 3.)

The likelihood of charging a fee increases with overall budget. Institutions with larger overall budgets are more likely to charge a fee for providing student lists to recruiters. Only 12 percent of respondents from institutions with overall budget of \$15.2 million or less charged a fee while 40 percent of respondents from institutions with an overall budget of \$75.5 million or more charged a fee.

Likewise, the likelihood of charging a fee increases with full-time headcount enrollment. Institutions with larger full-time headcount enrollment were more likely to charge a fee for providing student lists to recruiters. Only 14 percent of respondents from institutions with full-time headcount enrollment of under 1,000 charged a fee while 44 percent of respondents from institutions with a full-time headcount enrollment of 5,000 or more charged a fee.

Of the respondents who reported that they required a fee, about half indicated they charge a flat fee. The remaining half was evenly split between those who charge a variable fee and those who charge a combination flat and variable fee. (See Figure 4.) Respondents were thus more likely to charge a flat fee than either a variable fee or a combination of flat and variable fee. This tendency did not vary when considering overall institution budget or full-time headcount enrollment. The maximum flat fee noted by respondents was \$300 and the

² Note that respondents could select multiple media which they were capable of using to fulfill Solomon Amendment requests. Thus, percentages will add to more than 100 percent.

lowest flat fee was \$10. The single most common flat fee amount was \$50 with 5 percent of respondents charging a flat fee of \$50 per Solomon Amendment request.

Variable rates differed greatly by amount and method of calculation. Some members indicated that they charge the military a per-student name fee. Variable fees based on the numbers of student names ranged from \$.01 per student name to \$.10 per student name. Other types of variable costs included programming time, number of disks, and number of labels.

Of institutions that do not currently charge a fee, 22.7 percent said they were not planning on charging a fee in the future while 5.1 percent indicated that they were planning on doing so. Most institutions (43.7 percent) that are not currently charging a fee were unsure about whether they would impose a fee in the future. (See Figure 5.)

Denying Recruiter Access on Campus

The Barney Frank amendment that passed last year with the FY 2000 Defense Appropriations bill provided that institutions would not risk losing federal student aid if they denied the military access on campus. However, other federal agency funding remains at risk. About 16 percent of Army respondents indicated that, since the legislative change, they have been denied access to recruit on campus. Further, 32 percent have been denied access to students lists containing recruiting information. (See Figures 6 and 7.)

Of those Army recruiters who responded that institutions had denied them access to recruit on campus, 62 parent institutions, 16 undergraduate schools, two graduate schools, seven law schools and one “Other professional school” had denied them access. Of those who responded that they had been denied access to student lists with recruiting information, 79 parent institutions, 90 undergraduate schools, eight graduate schools, one law school and 14 “Other professional schools” had denied them access. Thus, the 100 recruiter respondents cited a total of 141 parent institutions, 106 undergraduate schools, 10 graduate schools, eight law schools and 15 “Other professional schools” that had denied the military access on campus or to student lists.

Analysis

Compliance with the Solomon Amendment is a significant burden to higher education institutions and to military recruiters. Campuses, however, are not compensated by the federal government for providing lists containing student recruiting information, which means that the Solomon Amendment represents yet another unfunded mandate reporting requirement. While campuses have the option of charging a fee to military recruiters for student lists, anecdotally most say they do not have the time or resources to implement a payment mechanism to do so. The administrative and financial burden of complying with standard Solomon Amendment on campuses is significant enough to prevent, as the survey

Figure 6: Was Access Denied to Recruit on Campus?

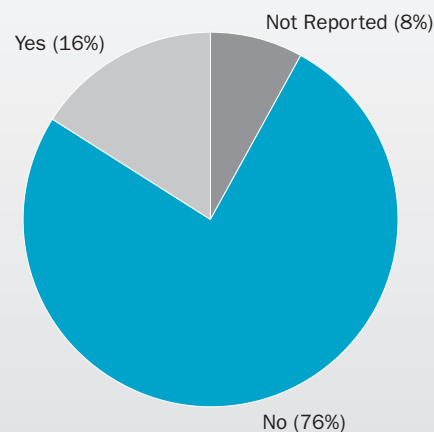
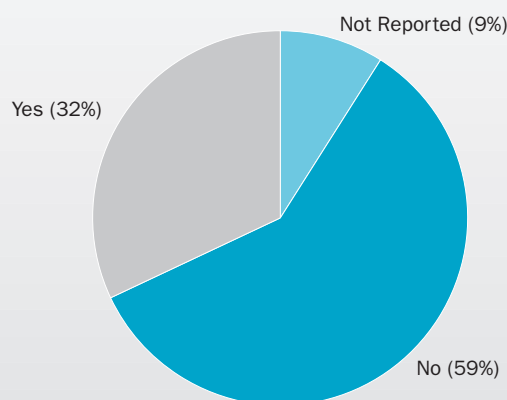


Figure 7: Was Access Denied to Student Lists?



findings show, most institutions from fulfilling customized requests for sub-groups of student recruiting information.

This survey shows a lack of full familiarity with the law in both populations. Most significantly, information prohibited for release under the Family Educational Rights and Privacy Act of 1974 (FERPA) is sometimes requested by military recruiters and released by campuses, namely student race/ethnicity. Recruiters and institutions also request and release student veteran or enrollment status, both constituting personally identifiable information that is prohibited for release by the Solomon Amendment final regulations with which recruiters and campuses must comply. Such misdirected military recruiter requests result in campuses unknowingly putting institutional funding at risk as a result of fulfilling the requests. Since this survey was limited to a single branch of the Armed Services, the U.S. Army, the survey results may be an indication of a military-wide lack of awareness about the limits of federal privacy law and the Solomon Amendment.

The October 23, 1998 *Federal Register* final regulations, “Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education,” clearly state that “student recruiting information” is defined as:

“For those currently enrolled, the student’s name, address, telephone listing, age (or year of birth), level of education (e.g., freshman, sophomore or degree earned by a recent graduate), or major.”

AACRAO has worked to inform its members about the final regulations and strongly encourages both military recruiters and campuses to refer to the final regulations on AACRAO’s Federal Relations Web page at www.aacrao.org as they make or fill Solomon Amendment requests.

Another significant finding was that Army respondents indicated poor cooperation from campuses in providing lists containing student recruiting information. Army recruiter responses indicated that only 27 percent of recruiters had 100 percent compliance from institutions. Institutions indicated that they were more cooperative than was reflected in the recruiter compliance percentages.

One goal of the survey was to identify whether a collaborative project was appropriate between AACRAO and military recruiters. The disparate perceptions from the two populations about the incidence of requests made by recruiters and fulfilled by campuses is one indication that further dialogue

between the sectors is necessary to ensure full cooperation and compliance with the law. AACRAO and the U.S. Army hope to work together to form a practical guide that both populations can use. A guide used by both campus administrators and military recruiters would help to protect each group from liability resulting from erroneous interpretations of the law. Failure to comply with the Solomon Amendment means that colleges will lose federal funding and that military recruiters will fail to meet the Nation’s security goals as Congress mandates. This survey represents a first step toward full compliance with the Solomon Amendment to protect the interests of both higher education and the Armed Services.

ACKNOWLEDGEMENTS:

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