



### A Guide for Recruiters and Student Records Managers

American Association of Collegiate Registrars and Admissions Officers

### THE SOLOMON AMENDMENT

A Guide for Recruiters and Student Records Managers

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Acknowledgments:

The authors would like to thank William J. Carr, Associate Director of Recruiting Policy at the Department of Defense, for his careful review of this effort and for the great deal of assistance he has provided both recruiters and colleges since the inception of the Solomon Amendment.



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### Participating Organizations

The American Association of Collegiate Registrars and Admissions Officers (AACRAO) is a nonprofit, voluntary, higher education association of more than 9,000 admissions and registrar professionals representing approximately 2,300 institutions in more than 35 countries. AACRAO's goal is to foster the professional development of its individual members by providing guidelines and voluntary standards for best practices in records management, admissions, enrollment management, administrative information technology, and student services. AACRAO also provides a forum for discussion on policy initiation, development, interpretation, and implementation—at the institutional level and within the global education community.

**Servicemembers Opportunity Colleges** (soc) is a consortium of national higher education associations and over 1,500 institutional members. SOC functions in cooperation with the Department of Defense (DoD), the military services, including the National Guard and the Coast Guard, to help meet the voluntary higher education needs of servicemembers.

**Concurrent Admissions Program** (ConAP). ConAP is a joint program of the Army Recruiting Command and over 1,400 participating colleges. SOC serves as executive agent for the Army Recruiting Agency and as liaison between Army recruiters, participating colleges and the higher education community. ConAP goals are to increase enlistment of college-capable soldiers and increase college enrollment of veterans. Army recruiters help new soldiers select a college and state their intention of enrolling during or after discharge.

Located in Fort Knox, Kentucky, the **United States Army Recruiting Command** (USAREC) provides the command, control, and staff support to the recruiting force. More than 600 military and civilian personnel work in the staff activities of personnel, administration, logistics, budget, and information management, plus several specialized functions such as advertising, market research and analysis, and recruiting operations.

### Solomon Amendment: Contact Information and Resources

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Go to AACRAO'S *Compliance* Web page at www.aacrao.org for more information about how to comply with the Solomon Amendment. The sample letter contents of this brochure are available online. The *Federal Relations* page includes information on current policymaking related to the Solomon Amendment.

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### Solomon Amendment: An Overview

#### **The Law: A Background**

The Solomon Amendment, a federal law, mandates that institutions receiving certain federal agency funding must fulfill military recruitment requests for access to campus and for lists containing *student recruiting information*. If colleges do not comply, they may lose funds essential to their campus—so it is in their best interest to be knowledgeable about the law and develop a positive relationship with recruiters.

The Solomon Amendment allows personally identifiable student information to be released to recruiters that would have been denied them under the Family Educational Rights and Privacy Act of 1974 (FERPA). If colleges release more information about students than either Solomon or FERPA allow, then colleges run the risk of being held liable for the offense.

Members of Congress passed the Solomon Amendment in 1996 because it determined that federal agencies, such as the Department of Defense, should be supported in their efforts by colleges that receive federal funding. It was seen as a way colleges could help the military meet national recruiting goals. Lawmakers also saw a need to pass a law requiring colleges to give the same rights to military recruiters that they give to other employers seeking recruits among college student populations.

#### **Our Goal**

We hope this guide will educate military recruiters and campus record keepers about the limits and extent of the Solomon Amendment law, and provide a single resource that both parties can refer to when requesting or fulfilling requests for lists containing student recruiting information. The higher education community and military recruiting representatives collaborated on the formation of this guide.

#### Access To High School Vs. Colleges

The requirement laid out in the Solomon Amendment law affects higher education institutions and is two-fold: institutions must give the military access to a) their campuses and to students on those campuses, and b) lists containing student recruiting information. This guide is designed to address the latter.

A separate statute applies to high schools and other secondary institutions. During Fall 2000, Congress passed the National Defense Authorization Act for FYOI (P.L. 106-398). This law requires that high schools provide the military with access to high school students on the same basis as provided generally to postsecondary institutions or prospective employers. The law becomes effective July 1, 2002. The definitions the Army, for instance, uses to describe different levels of "access" are as follows:

- Deny Access—School prohibits all recruiter visits to the school.
- Limits Access—School limits recruiter visits to career days, job fairs and college nights, or one or two visits per school year.
- Access—School allows recruiter to visit more often than one or two times per year.

#### **The Parties Involved**

A brief description of who will contact the college, and how, might be useful to campus representatives. Likewise, it is useful to describe the roles of college officials that military recruiters contact on the various campuses across the country.

Recruiters are trained by "career recruiters" about how to make Solomon Amendment requests of colleges. Registrars should realize, however, that not all recruiters are well versed

T H E S O L O M O N A M E N D M E N T A Guide for Recruiters and Student Records Managers in the Solomon Amendment and may accidentally request information they are not entitled to receive. The average age of recruiters is 26, and many have not attended college themselves. For this reason, they may be uneasy about contacting a college official. Also, recruiters may have multiple responsibilities for working with a campus. For instance, they may be responsible for requesting student lists, as well as for accessing the student population by attending career counseling and financial aid exit interview events on campus.

While military representatives may have campus contacts in the ROTC division, the Concurrent Admissions Program, the career-counseling center or the veterans' affairs, student

RECRUITERS SHOULD ONLY ASK REGISTRARS FOR SOLOMON AMENDMENT STUDENT LISTS. only ask registrars for Solomon Amendment student lists. Registrars, as student records managers, should be the only officials on campus responsible for providing student lists to recruiters.

services or financial aid offices, recruiters should

s. It is important that recruiters understand that the registrar profession has complied with FERPA for over 25 years, and is more accustomed to upholding privacy law than those in many other sectors. FERPA and a quarter-century of regulatory policymaking have sensitized campus officials to carefully consider every release of student information they make. Students often file formal complaints with the U.S. Department of Education against colleges for wrongfully releasing information, and registrars, of course, want to prevent this whenever possible.

#### How Military Requests for Student Lists are Made

There are many different levels within the military responsible for contacting colleges to request student lists. A phone call might be made by a recruiter, or an initial letter sent to a college by a recruiter from within the region where the college is located. It is possible, however, that campus officials will be contacted by a recruiter outside their region. If campus officials doubt the legitimacy of the recruiter, they can contact the Department of Defense at (703) 695-5527. To avoid such confusion, military recruiters are advised to submit written requests to colleges on official letterhead (See Appendix 1). Registrars are advised to maintain paper copies of the military requests.

#### **The Regulations**

Colleges and universities must comply with the final regulations of the Solomon Amendment as of October 23, 1998 [63 Fed. Reg. 56819] and the Interim Rule published January 13, 2000 [65 Fed. Reg. 2056] by the Department of Defense. Recruiters and registrars are advised to have printed copies of both sets of regulations. You may download the regulations on the AACRAO *Compliance* Web page at www.aacrao.org, under the Solomon Amendment heading.

*Student Recruiting Information* refers to the information that military recruiters may request and receive about these students. Recruiters may receive student recruiting information for either the immediately previous, current or future term for all students, aged 17 and older, who are/were registered for at least 1 credit hour in the requested semester/term. If a request is received *between terms*, the recruiter and registrar should determine from which term the information is preferred.

# Student Recruiting Information (as defined by the Department of Defense in the October 23, 1998 Final Regulations) Name Address (Regulations do not stipulate local or permanent). Clarify with recruiter. Telephone listing (Regulations do not stipulate local or permanent). Clarify with recruiter. Age (or date of birth) Class level (Freshman, Sophomore, etc...) Academic major Place of birth\* Degrees received\*

Most recent educational institution attended\*

\* This data element was introduced with the January 2000 Interim Rule, but conflicts with the data elements identified in the 1998 final regulations. The higher education and military communities await forthcoming action by federal agencies to reconcile the differences between data considered "student recruiting information" laid out in the final and interim regulations.

If campuses do not maintain this information, they must notify the recruiter of this in writing when they reply to the request. Military recruiters must recognize that this information is confidential and must not be shared with third parties or other organizations. Once the data have been used, whether in electronic or paper format, they should be deleted or destroyed.

If an institution designates e-mail addresses as directory information under FERPA, and it is the institution's policy to release directory information to third parties, e-mail addresses may be provided to the military as part of the student list.

#### No-Nos (What recruiters may NOT ask for):

- Social Security Numbers
- Race/Ethnicity/Nationality
- ► Grade- or Quality-point average (GPA)
- Grades or 'low-performing students'
- Religious affiliation
- Students with loans in default

**Important**: The information above is personally identifiable and considered harmful if disclosed under FERPA, the federal student privacy law. If a college considers a veterans' benefits administrator or an ROTC unit commander a "school official" with a "legitimate educational interest" as FERPA defines these terms, then registrars can release such personally identifiable information about students to those officials for campus business—but NOT to third parties, including military recruiters. Therefore, such campus officials are always prohibited from releasing this information to any third party. To avoid confusion and a possible legal violation, recruiters are advised never to ask anyone on a campus for student lists other than the registrar.

#### Other No-Nos:

- Veteran Status
- Students no longer enrolled (drop-out or stop-out [*i.e.*, not permanently dropped out] students)

This information is not identified under the Solomon Amendment as student recruiting information. And the Solomon Amendment provides that students included in student lists must be currently enrolled for at least one credit.

### Can recruiters make special requests for certain groups of students?

Recruiters can request information on a sub-group, like 17-21 year olds, because age is identified in the law as "Student Recruiting Information." And recruiters may request lists containing only certain pieces of student recruiting information such as name, address and phone number—as long as all pieces are student recruiting information (See Appendix 2 for a form recruiters may copy, complete, and include with their initial letter requesting student recruiting information). Institutions often have the ability to sort students by any of these variables, too, and recruiters are free to ask that registrars comply with sorted lists.

Keep in mind that not all colleges have the ability to fulfill requests for sub-groups or sorting, nor are they required to do so. But in order to accommodate recruiters and to conserve resources, colleges are advised to design their computer program for Solomon Amendment compliance to enable it to:

- Sort the information
- ▶ Run reports on more than one medium
- Include or eliminate specific pieces of "student recruiting information"
- Run reports on sub-groups

See Appendix 3 for a sample letter from a college official to accompany a student list in paper format that he/she produces for a recruiter. Appendix 4 is a sample letter from a college official to accompany a student list in disk format.

### Can students prevent the release of their information to the military?

Students are not permitted to restrict the release of their "Student Recruiting Information" specifically to the military, but if students withhold the release of their "directory information" under FERPA, then colleges may not release

it to the military either. Similarly, colleges may not release not to print an announcement concerning the Solomon Amendment in their publications, such as catalogs or schedule of classes, or their annual FERPA notification: the preamble to the final regulations asserts that students should not be given a "special opportunity" to prevent the release of their student recruiting information, adding that granting such an opportunity "is not necessary or appropriate."

# What if colleges never release directory information to third parties?

If a college designates "Directory Information" under FERPA but does not release it, the college must still comply with requests for "Student Recruiting Information" to the military.

### How often can recruiters ask for student lists?

Colleges may supply "Student Recruiting Information" once each term or semester to a unit within the Military Service. There are 12 eligible units within the four branches of the service—Army and Army Reserve recruit together:

#### Army:

Army, Army Reserve, Army National Guard Navy: Navy, Navy Reserve Marine Corps: Marine Corps, Marine Corps Reserve Air Force: Air Force, Air Force Reserve, Air Force National Guard Coast Guard: Coast Guard, Coast Guard Reserve

RECRUITERS MAY RECEIVE STUDENT RECRUIT-ING INFORMATION FOR EITHER THE IMMEDIATELY PREVI-OUS, CURRENT OR FUTURE TERM FOR ALL STUDENTS, AGED 17 AND OLDER, WHO ARE/WERE REGISTERED FOR AT LEAST 1 CREDIT HOUR IN THE REQUESTED SEMESTER/TERM

NOT ALL COLLEGES HAVE THE ABILITY TO FULFILL REQUESTS FOR SUB-GROUPS OR SORTING, NOR ARE THEY REQUIRED TO DO SO In addition to the units listed above, ROTC units from each of the four branches of the service may also request "Student Recruiting Information" once a term or semester. If you receive two requests from the same unit within the same branch within the same term, refer the individual making the second request to the recruiter who has already received your institution's student recruiting information.

#### Can a fee be charged for providing a list?

Institutions are allowed by law to charge a reasonable and customary fee for fulfilling Solomon Amendment requests. A survey completed last year by registrar members of AACRAO indicated that the vast majority does not charge a fee. If they do, however, they may base the cost on the medium they use for the lists, depending on the cost of producing them. A college has 15 days to respond to a request from a recruiter to explain the method for determining costs and the basis for concluding that the charges are reasonable and customary.

#### How quickly must colleges respond?

There is no time limit on how quickly colleges must respond to a request, but college officials and recruiters should cooperate in forming a timetable amenable to both parties.

### What federal agency funding do campuses risk losing?

Department of Defense, Transportation, Labor, Health and Human Services, Education and related agency funding is at risk if colleges don't comply with the Solomon Amendment. But colleges no longer risk losing student-aid funding, which comes from the Education Department and includes Perkins Loans, Federal SEOG and Work-Study dollars, since Congress passed a provision in 1999 exempting those funds from the Solomon Amendment. No regulations amending compliance to take this into account have yet been issued, and colleges await this agency action.

The Defense Department, the federal agency responsible for interpreting and enforcing the Solomon Amendment, has rarely withheld or withdrawn federal agency funds from a college for violating the Solomon Amendment. In a number of cases, institutions reported to be out of compliance have resolved the matter with recruiters.

### Do law schools and other schools within a larger institution need to comply?

Higher education institutions, and the schools that are administered independently, such as law, graduate or undergraduate schools (*i.e.*, 'sub-elements') must fulfill military recruiter requests—or the entire institution may lose Department of Defense funds.<sup>1</sup> Other agency funding is not at risk if subelements fail to give the military access to campus or to student lists.

#### What if colleges don't comply?

Recruiters are advised to go through their chain of command by alerting superiors to problems in having Solomon Amendment requests fulfilled. Branches of the military service are advised to maintain a consistent approach in dealing with campus officials that do not respond to requests for student information. Procedures and the timeline for taking action are laid out for recruiters in the 1998 final regulations.

### Are there any conditions under which colleges do not have to comply?

While all colleges are advised to comply with the Solomon Amendment since nearly all receive some kind of agency funding stipulated in the law, some schools need not do so. A school will not be in violation of Solomon if:

- It can certify that in prohibiting access to campuses or students, it excludes other employees from recruiting on its campus, or that military recruiters have the same degree of access afforded other employers.
- It permits employers to recruit on campus only in response to the expressed interest of students.
- The military is given the same opportunities as other employers to inform students of their recruitment activities.
- It certifies that too few students are interested to warrant accommodating military recruiters, applying the same criteria applicable to other employers.
- The school does not collect or maintain some of the "Student Recruiting Information" elements prescribed by the final regulations—but the college must still provide the student recruiting information elements it does collect or maintain.
- The covered school has a long-standing policy of pacifism based upon historical religious affiliation.

<sup>&</sup>lt;sup>1</sup> An amendment passed with the 2000 Department of Defense appropriations act and was implemented by the January 2000 DoD Interim Rule by providing that subelements of institutions run the risk of losing the entire institution's DoD funds if the sub-element does not give the military access to campuses or to student lists. But since this interpretation conflicts with the 1998 final regulations, which do not hold entire institutions liable if sub-elements don't give the military access, we await agency action as to how the 2000 Interim Rule relates to the 1998 final regulations and other legislation passed since 1998.

#### How to Improve Relationships Between Colleges and Military Recruiters

Maintain a respectful relationship between recruiters and colleges by working together to comply with the Solomon Amendment law.

Recruiters can submit the Student Right-to-Know sample letter [See Appendix 5] for a student who has stopped out and enlisted in the military services. The letter notifies the college registrar that the student can be excluded from the campus' SRTK/Graduate Rate Survey reporting. Graduation, or completion, rates weigh considerably in a college's reputation in national rankings and in the eyes of prospective students. Receipt of this notice from the military is a benefit to campus officials. Recruiters can take a course at the college or university to meet their degree needs while interacting with students and sensitizing them to military service.

Recruiters should be aware of whether their supervisor has contacted the campus president. If interaction between the supervisor and the president was positive, cite the nature of their meeting in the letter to registrars—and the meeting's outcomes.

If a recruiter has a ConAP (Concurrent Admissions Program) point of contact on a campus from which the recruiter is requesting student lists, he or she can cite this in the initial letter to the college.

#### SAMPLE LETTER TO COLLEGE FROM RECRUITER (PAGE 1)

[Recruiters: Use Official Letterhead]

<Registrar Name> <College> <Complete address>

RE: Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education (Solomon Amendment)

#### Dear <Name of Registrar>:

I am writing to request a list containing student recruiting information for students enrolled at your institution for at least one credit for the **<season/term>** semester of **<year>**. In 1996, Congress passed a series of laws that address Military Recruiting and Reserve Officer Training Corps (ROTC) Program Access to Students of Higher Education (commonly referred to as the "Solomon Amendment") in order to help military recruiters meet congressionally-mandated recruitment numbers. Under these laws, colleges must give recruiters access to their campuses and provide them with lists containing "student recruiting information." Some of this information may be prohibited for release to anyone if it is not designated by your institution as directory information under FERPA. However, since the Solomon Amendment overrides FERPA, it gives the military the right to receive data designated as "student recruiting information." If an institution or its sub-element does not comply, the entire institution risks losing certain federal funds.

"Student recruiting information" is defined as a current student's name, address, telephone number, age (or date of birth), level of education (*e.g.*, freshman, sophomore, or degree awarded for a recent graduate), academic major, place of birth, most recent educational institution attended and degrees received. Colleges need not provide other information, or any of this information it does not collect or maintain. If a current roster is not available, please provide information on the most recent previous or future term that is available.

If possible, please provide the information in the following format:

- □ Paper □ Disk
- Labels

If you are unable to provide the format selected above, please provide the information in the medium available to you.

CONTINUES ►

#### SAMPLE LETTER TO COLLEGE FROM RECRUITER (PAGE 2)

While I understand that colleges are not required to eliminate categories of information, sort the information, or provide information on sub-groups, I ask that you accommodate this request by providing and sorting the information as indicated in the enclosure (see Appendix 2).

This letter serves as my understanding that the information is to be used for military recruiting purposes only. I also understand that the information I am requesting is confidential and cannot be released to anyone outside my organization. I understand that under FERPA, I must destroy the student list once it has been used. Please note that Department of Defense components (Army, Navy, Marine Corps, Air Force, and Coast Guard, as well as Reserve and ROTC components of each) are entitled to receive student recruiting information once every semester or term.

Your assistance is appreciated. Please call me at **<Recruiter phone number>** if you have any questions.

Sincerely, <**Recruiter Title and Name>** 

Enclosure

#### SPECIFICATION FOR FILTERING AND SORTING OF STUDENT INFORMATION, BY CATEGORY

Recruiters: Identify the data elements you would like to receive and how you would like them sorted, keeping in mind that the more fields you complete below that require sorting, the more selective the list. You have three options:

- ☐ I would like to receive all categories of student recruiting information on your currently enrolled students, unsorted. (Stop here.)
- □ I would like to receive all categories of student recruiting information on your currently enrolled students, sorted by the category I have indicated below (recruiters select *only one* category for sorting below).
- □ I would like to receive only the categories of student recruiting information on your currently enrolled students as indicated, and sorted by the category I have indicated below (indicate preferences below by checking each box).

Category	Check to receive information in this category	Filter this information by	Check to sort by
NAME		n/a	☐ this category
ADDRESS		<ul> <li>permanent/home address</li> <li>temporary/school address</li> </ul>	☐ this category, by zip code
TELEPHONE LISTING		<ul> <li>permanent/home listing</li> <li>local/school listing</li> </ul>	☐ this category, by area code
PLACE OF BIRTH		n/a	this category
DATE OF BIRTH, AGE or AGE GROUP		Specify a range (e.g., 17 [the youngest age allowed by law] to 21); if no range is identified, institution is asked to provide all: to	☐ this category
DEGREES RECEIVED		n/a	this category
CLASS LEVEL		Select all that apply or none: Freshman Sophomore Junior Senior Graduate/Professional/Doctoral Post-baccalaureate	☐ this category
ACADEMIC MAJOR(S)		List all that apply:	☐ this category
MOST RECENT EDUCATIONAL		n/a	☐ this category

**Note:** If your institution designates e-mail addresses as directory information under FERPA, and it is your institution's policy to release directory information to third parties, please include e-mail addresses as part of the report.

#### REGISTRAR SAMPLE RESPONSE LETTER TO ACCOMPANY FULFILLED REQUEST USING A PAPER FORMAT

<Date>

<Recruiter Title> <Name> <Address>

Dear <Recruiter Title and Name>,

Please find enclosed the information you recently requested. In accordance with the Solomon Amendment, we have included all the required information for those students aged 17 and older, enrolled for at least one credit at our University during the <Semester/term and year> semester.

To aid you in reading this printout, I have developed a key, shown below, for your use. If you still have questions concerning the printout, please feel free to contact me at <Campus official phone number>. This information is not to be shared with anyone else and should be returned or destroyed after you have finished using the data.

Sample Student Record								
1	2	3	4	5	6			
Leonard Baker	Senior	022052	H&HS PE BS SPORT MGMT	BUTLER CC	Assoc. of Arts			
7				8				
339 Aztec Lane, Slippery Rock, PA 16057				7247940001				
9				10				
422 South Main Street, Slippery Rock, PA 16057			7247940002					
11								
Boston, MA								

#### **Key To Sample Student Record**

At the top of each page you will find a key that identifies each piece of information.\* 5. School Last Attended

6. Previous Degree (if known)

1. Student's Name

- 2. Class Level
- 3. Date of Birth (or Age)
- 4. Academic Major

7. Home Street/City/State/Zip 8. Home Telephone

9. Local/Campus Address 10. Local/Campus Telephone 11. Place of Birth

Sincerely, <Campus Official and Title>

Enclosure

\* Note to Campuses: If you do not collect some of the data requested, you should note this in your letter.

#### REGISTRAR SAMPLE RESPONSE LETTER TO ACCOMPANY FULFILLED REQUEST USING A DISK FORMAT

<Date>

<Recruiter Title> <Name> <Address>

Dear <Recruiter Title and Name>,

Please find enclosed the information you recently requested. In accordance with the Solomon Amendment, we have included all the required information for those students aged 17 and older, enrolled for at least one credit at **<Name** of college or university> during the **<semester**, year> semester.

To aid you in reviewing the information on this diskette, I have enclosed a file layout sheet for your use. Please remember, this information is not to be shared with anyone else and should be returned or destroyed after you have finished using the data. If you have questions concerning the information, please feel free to contact me at **<Campus Official Phone Number>**.

Sincerely, <Campus Official and Title>

Enclosure

\* Note to Campuses: If you do not collect some of the data requested, you should note this in your letter. You should also include a sample file layout for the report regarding the contents of the disk.

#### RECRUITER'S COURTESY LETTER TO COLLEGE REGISTRAR NOTIFYING OF FORMER STUDENT ENLISTMENT

[Recruiters: Use Official Letterhead]

<Name> <Office of Registrar> <College> <Complete Address>

RE: Student Right to Know Act of 1990

Dear

This is to inform you that a former student of **<College Name>** recently enlisted for active duty in the **<Branch of the Armed Services>**. Mr./Ms. **<Name of Student/Recruit>**, SSN: **<Social Security Number of Student/Recruit>**, enlisted on **<Date>** for **<Number of Years>** years. He/She enlisted for the **<Type of Education Benefit** (*i.e.*, *Montgomery GI Bill, CollegeFirst, Army College Fund, Loan Repayment Program etc.*)**>**. The benefits received through this program can be used in pursuit of future education goals.

Each year, many students leave college for financial or academic reasons. Under the Student Right to Know Act of 1990, which requires colleges to compile and report graduation rates, a student who enlists in the armed services may be excluded from this calculation.

The enlistment of Mr./Ms. <**Name of Student/Recruit>** in the **<Branch of the Armed Services>** meets the provision of the law, and allows educational institutions to exclude him/her when calculating graduation rates.

I hope this information is helpful. I am offering it as a courtesy to foster a positive relationship between our recruiting effort and your campus. If you have any questions regarding the outstanding educational benefits available to young men and women who serve their country, please feel free to contact me at **<Phone Number of Recruiter>**.

Thank you for your time.

Sincerely, </br><Name of Recruiter>

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