

by Benjamin S. Baum

LGBT Applicants and Challenges for Admission: Five Cases



Few professional processes are more personally intrusive than the college application. It demands information about your family, your finances, your interests, and your desires. For lesbian, gay, bisexual, and transgender (LGBT) applicants in their teenage years who may not be comfortable with their sexuality, admission officers need be sensitive to a key difference that can make their circumstances especially complex. That difference: in most cases, an LGBT applicant does not have LGBT parents, and his or her parents may or may not know or approve of their child's sexuality. Further, the applicant may not be "out" to anyone yet or perhaps even ready to acknowledge LGBT orientation.

This article highlights five cases from my experience coordinating LGBT recruitment at Tufts University (MA). The names and some details are modified to protect the individuals' privacy.

Case One: Finances and Families

One day in April 2010, I received an email from a public high school guidance counselor. The counselor's student, John, had applied to Tufts, been admitted, received financial aid, yet the counselor told me that John could not afford Tufts. John and his family, based on their need, were asked to pay approximately \$10,000 (known as the "expected family contribution"). His parents refused to pay. Why?

John's parents refused to pay because John is gay.

Like many LGBT teenagers, John began to come out to friends in high school before he told his family. As news spread at his suburban public school, John's younger siblings discovered his sexuality and reported it to their parents. When his parents confronted John and he admitted that he was gay, John's parents beat him. He vividly described his mother's physical abuse; ironically her wedding ring cut into his face. The police got involved, a report was filed, and John moved in with friends for the remainder of his senior year of high school.

Without his parents' financial support, John had no way to pay for college. According to most college financial aid policies, John's

parents were financially able to pay at least part of his tuition, so John did not qualify for any additional need-based financial aid. This was the conundrum.

It is not unusual for students and parents to select a college based on cost. Tufts meets the full demonstrated need of each admitted student by providing need-based financial aid. Some colleges offer merit-based financial aid over-and-above need that attracts these students and their families. Other parents, financially able to pay tuition at a place like Tufts, might refuse to pay because they do not like a child's choice of major, their friends or the distance from home. Parents cannot refuse to pay tuition and expect to receive financial aid. Any other rule would defeat the whole premise of supplying financial aid to those who need it.

I made the argument to Tufts' director of financial aid that she should use her professional discretion to treat John as an independent minor. Such a maneuver is known as a "dependency override." As an independent minor, John's financial need would no longer be a function of his parents' resources, so he would qualify for full need-based financial aid. Under federal law, which applies to any institution using federal funds for financial aid, a director can make a dependency override in a number of specific circumstances, such

as age, orphan status, marriage, and homelessness, though none of these were John's case. However, a director can also "make... a documented determination of independence by reason of other unusual circumstances" (HEA §480(d)(7)).

Did John's case qualify as one of "unusual circumstances?" By the broad language of federal law, one might think so. A dependency override is permitted in circumstances where it would be inappropriate to expect a parental contribution toward the student's college expenses. Per United States Department of Education Dear Colleague Letter (GEN) 03-07, any override must involve (1) a case-by-case determination of unusual circumstances and (2) documentation of those unusual circumstances.

However, the Department of Education provides the following list of circumstances that are *not* unusual, all of which seemed to be the situation with John:

1. Parents refusing to contribute to the student's education
2. Parents unwilling to provide information on the application or for verification
3. Parents not claiming the students as a dependent for income tax purposes
4. Students demonstrating total self-sufficiency (GEN 03-07).

Given these limitations, there was only one factor in John's case that made his dependency override possible, his physical abuse at the hands of his parents. The Department of Education specifically says that "an abusive family environment or abandonment by parents" could constitute the requisite unusual circumstances. I spoke with John's guidance counselor, acquired written statements from her and from John himself, and procured the police report. With this documentation, the director made a dependency override.

As a result, John received his financial aid and enrolled at Tufts, but his case raises big questions about how sexual orientation and financial aid eligibility are intertwined. What if there had not been physical abuse? Without this abuse, could the director have used her discretion to make a dependency override? Should she have?

While the law is specific about what *cannot* count toward a dependency override, it gives broad latitude to financial aid officers to determine what counts as unusual circumstances (GEN 03-07).

I propose one way to employ this broad latitude is through the lens of the individual university's non-discrimination statement.

At Tufts, "[i]t is the policy of the University not to discriminate on the basis of race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity and expression, or status as a veteran, in the administration of its educational policies, admissions policies, employment policies, scholarship and loan programs, and athletic or other university-sponsored programs." A denial of financial aid to a student whose parents refuse to pay for Tufts on the basis of the child's sexual orientation could be said to implicate the non-discrimination statement.

Ideally, a financial aid policy needs to be flexible enough to accommodate the unusual circumstances of some LGBT applicants, whether or not they suffer physical abuse. A four-pronged requirement for a dependency override could consist of:

1. Parental refusal to pay for the education of a child on the basis of a protected category in the university non-discrimination statement
2. Parental refusal to pay for basic, daily expenses of the child (including food and housing) on the basis of a protected category in the university non-discrimination statement
3. Parental behavior that rises to the level of physical or emotional abuse
4. Third party documentation of such refusal, discrimination and abuse.

There are several advantages to the above-suggested policy. The policy is rooted in a non-discrimination statement and does not single out one class of students; it could protect other students who are discriminated against for their religious beliefs, for instance. The policy prevents gaming of the system by giving ultimate authority to the university officer and by looking for serious signs of familial support breakdown beyond refusal to pay for education. The policy also meets the federal standard of "unusual circumstances" because a university officer must find abuse and document her determinations.

Case Two: Sex and Prejudice

One day in May, a colleague forwarded an email to me from Mr. Smith, the parent of a student who had not been admitted to Tufts. In fact, Mr. Smith's son had not even applied to Tufts—Mr. Smith's reason to email was an effort to sabotage the candidacy of his son's high school classmate, Henry. Henry had been admitted to Tufts and intended to enroll for the fall. Mr. Smith not only emailed, but one day he arrived on campus, apparently having driven about one thousand miles just to inform our office that Henry should never have been admitted.

Mr. Smith told our office that Henry had raped his son. In Mr. Smith's words, Henry engaged in the "homosexual rape of a non-gay, non-consenting fellow male student whom the perpetrator knew to have a girlfriend." Mr. Smith's mission was to ensure that his son's rapist did not enroll in college. Henry had problems well beyond his admission to Tufts; Mr. Smith had pressed charges against Henry in his home county and successfully derailed a scholarship he had been awarded.

In following up on the circumstances, I found a complicated story. Henry had the full support of his high school, which did not believe the rape allegations were founded. In fact, other students reported that Henry's accuser had been secretly dating Henry, and it was only when Henry's accuser informed his family of their relationship that chaos broke loose. As the parent informed us, his son was not gay (despite evidence to the contrary) and the sex was nonconsensual (despite evidence to the contrary). Henry was never convicted of a crime.

Leaving aside the details of Henry's case, the admission process, which delves so deeply into applicants' personal lives, is fertile ground for prejudice related to sexual orientation. Henry's orientation, his legal troubles and his admission to college were all inextricably bound. A mechanical response to allegations of rape, a blanket rule to keep such applicants at bay, disproportionately impacts LGBT applicants, due to widespread prejudice in their home communities. In Henry's situation, there were weeks of communication between his high school and our office, with university counsel and, in the end, Henry himself. This is not typical fare for college admission officers, but it demonstrates the depth of involvement prejudice against LGBT people can necessitate just to make their applications' viable. In the end, Henry enrolled at Tufts.

Case Three: Gender Identity and Change

The director of the Tufts LGBT Center called me because an applicant we had admitted was in the process of transitioning from a woman to a man. When Peter had applied to Tufts, there were no LGBT indicators in his file, and he identified himself as a woman and used a woman's name. Now Peter wanted our office to aid his transition to college by erasing any records of his former gender. Going forward, Peter would only be identified as a man (known as "stealth trans").

Changing genders is complicated not only for the person doing so, but also for those people who know about the former gender. Which pronoun do you use? Which pronoun do you use when referring to things that happened before the change of gender? Even more complex is when the person may be undergoing surgery,

but in stages. Peter would have "top" surgery before arriving on campus but wait until later for "bottom" surgery. Starting at Tufts, Peter wanted a fresh beginning with a new name and new gender identity, and as little baggage as possible.

The director of the LGBT Center and I went about trying to effect these changes. In the process, we made a deliberate effort to keep the circumstances and name of the student from becoming widespread. He got approval from the Office of Residential Life to house Peter in a single room without a roommate. I spoke with the dean of undergraduate admission and a single member of our support team—the only two people in the office aware of the situation—to have name and gender on such forms as housing, orientation and registration changed. Most of these changes could be made electronically, but part of the process involved blacking out his former name and gender on the application materials and replacing these with his new name and gender, plus printing new labels for Peter's application folder—the same application materials and folder that would migrate to Student Services for his permanent academic record. The only indicator of Peter's former name and gender remained on a document that I chose not to change, his high school transcript. There, I attached a signed letter noting the change in name and confirming that this high school transcript belonged to Peter.

Case Four: Subtle Recruitment

There is a growing industry of recruitment tools for LGBT applicants to college. The best known of these is the traditional college fair with a twist—fairs that are especially for LGBT applicants and LGBT friendly colleges. The Campus Pride organization's fairs in Boston and New York feature a large collection of colleges.

Who attends an LGBT college fair? You see a heart-melting collection of mothers with their gay sons and occasional groups of LGBT friends who have shown up together. These students are "out." They are more or less comfortable with their sexuality (or as comfortable as any teenager can be with issues of sexuality) and more or less comfortable visiting an LGBT friendly college fair as much as any other college fair, which they probably also attended.

Who does not attend an LGBT college fair? The vast majority of high school students struggling with their sexuality, or those not out to their friends or families. As one recent study showed, only about 46 percent of LGBT high school seniors are out to their family members (Rankin, et al. 2010). This is true even across vast socioeconomic and cultural divides. There is a fair in New York City, for example, sponsored by the Hetrick-Martin Institute and hosted at the Harvey Milk High School (the only public high

school in the country geared toward LGBT students), where the students are by-and-large black and Latino urban youths learning about the college process for the first time. They, too, attend this fair because they managed to get themselves to an LGBT high school to begin with.

As a new industry, the LGBT college fair may have an opportunity to grow and improve. At the moment, for those students unsure or struggling with their sexuality, college fairs are not how we reach these applicants.

At the National Association for College Admission's Counseling's 2011 National Conference in New Orleans, an admission officer from Tulane University (LA) talked about the subtle placement of LGBT friendly images in college viewbooks. Tulane's viewbook was filled with typical images of college students studying outdoors, or professors lecturing in classrooms; a careful eye would have also noticed a rainbow flag, a common symbol of the LGBT community, hanging from a storefront in one photo. The Tufts admission Web site displays a photo album of the well-known Tufts cannon, which is painted nightly by student groups for any number of fun or serious reasons. More than one of those cannon photos depicts a time when an LGBT group painted the cannon with a rainbow flag. While a heterosexual applicant might pass over these images as quickly as they ignore ubiquitous pictures of smiling students on a verdant quad, an LGBT applicant takes notice.¹

Empirical evidence shows that LGBT applicants take notice of such subtleties. One applicant to Tufts in 2012 wrote: "When I went to the Tufts Web site, the existence of the Lesbian Gay Bisexual and Transgender Center convinced me that Tufts really has an atmosphere of freedom." Many others also referred to information they found online about the LGBT Center. Some noticed pride flags hanging on campus, or how the diversity publication at Tufts includes, among categories such as "racial and ethnic diversity," "geographic diversity," "religious diversity," and "sexuality and gender diversity." LGBT applicants, closeted or not, have easy access to these resources and subtle forms of inclusion online.

Similarly, Tufts was the first university in the US to offer applicants the option of checking "gender, other" on the application. In 2012, two applicants checked this box, but many more found its presence comforting. One LGBT applicant to Tufts in 2012 referred specifically to the "gender, other" option as influencing her decision to apply. Another wrote: "I want a school where 'other'

is a gender option on forms." A third explained her rationale for applying: "As a student with a million interests and questions, I want a college with a wide variety of undergraduate programs, which will guarantee the opportunity to learn anything and everything. I want an atmosphere of both cooperation and academic rigor, both quirky fun and impassioned work, at a college that encourages students to 'specify other' in the box labeled gender." And a fourth said: "I love that Tufts is so accepting that the supplement has gender options male, female and other." At present, only one university in the US, Elmhurst College (IL), directly asks applicants about their sexual orientation, though there is debate about adding such a question to the Common Application (Hoover, 2011). A question about sexual orientation, like a question that allows for a "gender, other" option, may only cause a limited number of applicants comfortable with their sexuality to check the box, but may make many more appreciate the university as one that values LGBT students.

Case Five: Convincing Them to Come

A small but increasing number of students reveal their sexuality on their college applications. Sometimes these are applicants engaged in their high school LGBT communities who write about extracurricular activities that make their sexual orientation obvious. Others write an essay about their sexuality (the Common Application personal essay gives broad prompts to allow this topic, but so too does the Tufts Supplement, which asks applicants to tell us about their self identity, however they define it). When an applicant writes about his or her sexuality, however, they are not always out. It is not uncommon for an applicant to tell us about his or her orientation in an essay, but then also tell us that we are the only ones who know about it.

Three years ago, Tufts began experimenting with a new way to reach LGBT admitted students. As readers, we flagged any student who identifies as LGBT in the application. I invite a group of current Tufts students involved with the Tufts LGBT Center and have them call the list of LGBT-identified admitted students as part of our diversity outreach phone-a-thon.

There is one big caveat to these calls: whoever answers the phone, whether student or parent, does not know that the reason they are being called is because of sexual orientation. The Tufts student greets the voice on the other end of the line, offers congratulations on acceptance, offers to answer any questions about Tufts, and then identifies himself as a current student majoring in X, playing Y sport, living in Z dorm, and, by the way, also involved with the LGBT Center.

¹ Others have noted similar recruiting trend at many universities, including many LGBT Centers, and the University of Southern California (CA), which advertises how prospective students can stay overnight in a LGBT-oriented dormitory (Cegler, 2012).

Responses to these calls run the gamut. Sometimes the students merely leave a message or talk to a parent. Sometimes the admitted student does not have questions, or only has questions about academic life at Tufts. In the minority of cases the admitted student eagerly asks questions about LGBT life. In the majority, after the current student leaves his or her email address, the admitted student calls later the same evening with the questions he or she *really* wanted to ask about being LGBT at Tufts. Maybe they were not comfortable asking those questions over the phone on the spur of the moment. Maybe their parents were sitting in the same room. What I have tried to enable is a conversation between LGBT applicants and students that respects the applicants' privacy, their varying degrees of "outness," and their need to know more about LGBT life in college.



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