Unwelcome v. Unwanted

Authored by Joseph Vincent, M.L.S., Associate Consultant, TNG

Reporting parties and Title IX Coordinators alike often struggle to distinguish between “unwelcome” conduct, an objective policy standard, and “unwanted” conduct, a subjective standard. We determine that something is unwelcome when a reasonable person in the same or similar circumstances would not appreciate – or would likely be offended by – the conduct. We know conduct is unwanted when someone communicates that they don’t like it. The appropriate standard in institutional policy for prohibited conduct like harassment is “unwelcome.” Unwelcomeness is objective and is evaluated using the reasonable person standard. By contrast, unwanted conduct is a product of personal preference, and is not a proper standard to be used within policy.

To understand the difference, consider two types of behavior: in one instance, Xiao walks up behind Suja, an acquaintance and coworker, and squeezes her buttocks with both his hands. In another instance, Xiao asks Suja out on a date on three separate occasions, and she declines each time. In the first instance, Xiao’s behavior is objectively unwelcome from the perspective of a reasonable person in Suja’s position. In the second instance, we cannot say that a request for a date is objectively “unwelcome.” It may be unwanted if Suja does not want to go on a date with Xiao - we will only know that the conduct is unwanted if Suja rejects Xiao’s requests for a date. But even multiple requests (absent mitigating elements that might enhance the harassing quality of the requests) from Xiao are usually not sufficient to meet the objective “unwelcome” standard.

It is possible for unwanted conduct to not be unwelcome, and it is also possible for unwelcome conduct to not be unwanted. A report of merely unwanted conduct is not sufficient to meet the policy standard, and a report of unwelcome conduct that is not unwanted - from the reporting party’s perspective - is also insufficient to violate policy. The key is to recognize the difference between the two standards and respond (according to policy) when reported circumstances constitute (objectively) unwelcome AND (subjectively) unwanted conduct.