

SCOTUS Levels Title VII Standards in Reverse Discrimination Case

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The U.S. Supreme Court unanimously ruled that so-called “reverse discrimination” claims—discrimination claims brought by members of a “majority” race, gender, or other protected characteristic—are not subject to heightened standards of proof. The June 5, 2025, decision in *Ames v. Ohio Department of Youth Services* clarifies the legal standards for such claims under Title VII of the Civil Rights Act of 1964, serving as a critical reminder for employers to ensure fairness in employment decisions as reverse-discrimination claims become more prevalent.

Issue

The core question before the court was whether majority-group plaintiffs must show additional “background circumstances” to support the claim that the employer discriminates against the majority, in addition to meeting the standard elements of an employment discrimination claim under Title VII. In discrimination law, a majority group refers to a group that is perceived as having numerical or social dominance in a specific context. For example, 78% of software engineers are men, making males the majority group in this case. The *Ames* ruling clarifies that members of majority groups—such as heterosexuals in *Ames*’s case—do not face a higher burden when alleging workplace discrimination, ensuring equal protection under Title VII for all individuals.

Background

Marlean Ames, a heterosexual woman, was employed by the Ohio Department of Youth Services since 2004. In 2019, under a new supervisor (a homosexual woman,) Ames received positive performance reviews but was passed over for a promotion to the Bureau Chief of Quality in favor of another homosexual woman. Four days later, Ames was demoted to a secretarial role, and a gay man was hired to fill her previous position.

Ames filed a lawsuit against her employer, alleging discrimination based on her sex and sexual orientation under Title VII. The U.S. District Court for the District of Ohio granted summary judgment in favor of the Ohio Department of Youth Services, and the Sixth Circuit affirmed. The Sixth Circuit held that, as a heterosexual plaintiff, Ames was required to show “background circumstances” to support the suspicion that the employer was an unusual one that discriminated against the majority, including evidence that a member of the minority group made the employment decision or statistical evidence of a pattern of discrimination against the majority. Ames failed to meet this requirement, as her termination was decided by heterosexual directors, and she provided no evidence of a broader pattern of discrimination.

Prior to the Supreme Court’s ruling, four circuit courts (Eighth, Seventh, D.C., and Tenth) had adopted the “background circumstances” requirement for majority-group plaintiffs, while two circuits (Third and Eleventh) had rejected it.

Court's Holding

In a unanimous opinion authored by Justice Ketanji Brown Jackson, the Supreme Court held that majority-group plaintiffs bringing “reverse discrimination” claims under Title VII are not required to show “background circumstances” to prove discrimination. The court found that this requirement is inconsistent with the text of Title VII and Supreme Court precedent.

The court emphasized that Title VII’s disparate-treatment provision does not distinguish between majority and minority-group plaintiffs, focusing instead on “individuals” rather than groups. The statute’s language, which establishes protections for every individual regardless of group membership, leaves no room for courts to impose special requirements on majority-group plaintiffs.

The court further clarified that all Title VII discrimination claims should be evaluated under the burden-shifting framework established in *McDonnell Douglas Corp. v. Green* (1973,) without additional hurdles for majority-group plaintiffs. The “background circumstances” rule, the court noted, disregards the flexibility of the *McDonnell Douglas* framework, which was never intended to be “rigid, mechanized, or ritualistic” (*Swierkiewicz v. Sorema N.A.*, 2002). By imposing a uniform, highly specific evidentiary standard on majority-group plaintiffs, the rule violated this principle.

The court rejected the Ohio Department of Youth Services’ argument that the “background circumstances” requirement was merely a way to assess whether an employment decision suggested discrimination based on a protected characteristic. The Sixth Circuit’s application of the rule explicitly relied on Ames’s failure to meet a heightened evidentiary standard, which Title VII does not support. Consequently, the Supreme Court vacated the Sixth Circuit’s judgment and remanded the case for application of the proper *prima facie* standard.

Concurrence

Justice Clarence Thomas, joined by Justice Neil Gorsuch, concurred fully with the majority but wrote separately to highlight the problems with judicially created “atextual legal rules” like the “background circumstances” requirement. Justice Thomas pointed out the difficulty of defining the “majority” in contexts like gender (where women are a majority nationally but not in certain industries) or race (where categories are often imprecise). He also questioned the *McDonnell Douglas* framework’s utility, signaling openness to reconsidering it in future cases. Notably, Justice Thomas referenced diversity, equity, and inclusion (DEI) initiatives in a footnote, suggesting that such programs may lead to discrimination against perceived majority groups, a point likely to be cited in future challenges to DEI policies.

Why This Matters

This ruling ensures that all workers, regardless of their race, gender, or other protected characteristic, are subject to the same legal standards when bringing discrimination claims under Title VII. By eliminating the “background circumstances” requirement, the court has removed an unfair hurdle for majority-group plaintiffs, likely leading to an increase in reverse-discrimination claims. The decision aligns with recent Supreme Court rulings emphasizing equal treatment, such as those on affirmative action and job transfers.

Takeaways for Employers

- **Increased Scrutiny of Employment Decisions:** With barriers lowered for majority-group plaintiffs, employers should expect a rise in reverse-discrimination claims. All employment decisions—hiring, promotions, terminations—must be supported by legitimate, well-documented business reasons, regardless of the employee’s protected class.
- **Training and Compliance:** Employers should train supervisors and HR personnel to recognize and prevent all forms of workplace discrimination, including those affecting majority groups.
- **Litigation Strategy:** While employers can still use evidence like the decision-makers’ characteristics or the experiences of other employees to rebut discrimination claims, the Supreme Court has confirmed that reverse-discrimination claims face no higher burden of proof than other Title VII claims.

- **DEI Considerations:** The decision, particularly Justice Thomas's concurrence, signals potential judicial skepticism toward DEI initiatives. Employers should review DEI programs to ensure compliance with Title VII and prepare for possible legal challenges.

This ruling underscores the importance of equitable treatment across all employee groups and reinforces the Supreme Court's commitment to uniform application of Title VII's protections.