Supreme Court Rejects Requirement That Majority-Group Plaintiffs Meet a Heightened Standard to Bring Title VII Claims

Jun 05, 2025

Categories:

Publications
SCOTUS Collection

Authors:

Catherine F. Burgett
Anne E. Duprey
Jeffrey S. Shoskin

On June 5, 2025, a unanimous U.S. Supreme Court invalidated how some courts evaluated so-called "reverse discrimination" cases. In its decision, the Supreme Court held that a majority-group plaintiff need not show "background circumstances to support the suspicion that the defendant is that unusual employer who discriminates against the minority"—ensuring that all discrimination cases brought under Title VII of the Civil Rights Act of 1964 are analyzed using the same standard. Accordingly, members of a majority group are not required to satisfy a heightened evidentiary standard to prevail on a Title VII claim.

In *Ames v. Ohio Department of Youth Services*, Ames, the plaintiff, a heterosexual woman, sued the Ohio Department of Youth Services (DYS) under Title VII, alleging discrimination based on sexual orientation and sex. Ames, after being demoted and passed over for a promotion, claimed that DYS favored homosexual employees as both her replacement and the person hired for the promotion she sought were homosexual. The Sixth Circuit affirmed the district court's grant of summary judgment in favor of DYS. It determined Ames did not establish the "background circumstances" necessary for a reverse discrimination claim based on sexual orientation because she did not show the decision-makers were members of a minority group or that there was a pattern of discrimination against heterosexuals. The court also found DYS provided legitimate, non-discriminatory reasons for her demotion. As a result, the Sixth Circuit upheld the dismissal of her sexual orientation and sex discrimination claims.

Ames appealed this decision to the Supreme Court to determine whether, in addition to meeting the standard elements of a Title VII claim, a majority-group plaintiff must also plead and prove "background circumstances" suggesting the employer is the rare

2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

type that discriminates against majority-group members. This "background circumstances" requirement has been applied by several federal courts, including the Sixth Circuit, to reverse discrimination claims. Ames argued this additional hurdle is inconsistent with the plain language of Title VII, which prohibits discrimination "because of" race, sex, or other protected characteristics, without regard to the plaintiff's majority or minority status.

In reaching its decision, the Supreme Court reiterated that Title VII focuses on individuals, not groups and leaves "no room for courts to impose special requirements on majority-group plaintiffs alone." Moreover, the Supreme Court reasoned that reliance on the "background circumstances" results in a "highly specific evidentiary standard in *every* case" and "ignores the Court's instruction to avoid inflexible applications" of the legal standard.

In his concurrence, Justice Clarence Thomas indicated he would be willing to consider whether the *McDonnell Douglas* framework—used by almost all courts to determine whether a plaintiff has sufficiently pled a case for discrimination—is "a workable and useful evidentiary tool." Justice Thomas also noted the difficulty in determining which group is truly a "majority" given the prevalence of interracial families and the differences in majority status based on geography and other factors. To the extent Justice Thomas' concurrence (in which Justice Neil Gorsuch joined) is indicative of the future direction of the Supreme Court, more—and far more impactful—decisions may be on the horizon.

This decision levels the playing field for all plaintiffs in Title VII cases—whether they are a "majority plaintiff" (e.g., a male employee in a workplace of majority male employees) or a "minority plaintiff" (e.g., a female employee in a workplace of majority female employees). A plaintiff need not show the existence of any "background circumstances" to support a reverse discrimination claim. In light of this decision, employers should, as they always should, continue to make employment-related decisions independent of an employee's or applicant's protected characteristics.

2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

If you have any questions about the *Ames* decision and its impact, please contact the authors or any member of our Labor and Employment Practice Group.

Want more U.S. Supreme Court coverage?

Explore our key takeaways from the most consequential U.S. Supreme Court rulings for businesses and industries.

SCOTUS Collection

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.

2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

FBT Gibbons