

Insights: Alerts

One Standard for All: SCOTUS Rejects Heightened Evidentiary Standard for Reverse Discrimination Claims

June 11, 2025

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On June 5, 2025, the United States Supreme Court issued a unanimous opinion in [*Ames v. Ohio Department of Youth Services*](#), decisively rejecting the so-called “background circumstances” rule that required majority-group plaintiffs (e.g., white or heterosexual employees) to satisfy a heightened evidentiary standard to bring disparate-treatment claims under Title VII. The Court held that Title VII’s protections apply equally to all individuals, regardless of majority or minority status, and that courts may not impose additional burdens on majority-group plaintiffs at the *prima facie* stage of a Title VII action. The case is a significant clarification of the legal standards governing workplace discrimination claims and resolves a split among the federal circuits.

Factual and Procedural Background

Marlean Ames, a heterosexual woman, worked for the Ohio Department of Youth Services, since 2004, in various roles. In 2019, she applied for a management position but was passed over in favor of a lesbian woman. Shortly thereafter, Ames was demoted from her role as a program administrator, and the position was filled by a gay man. Ames brought suit under Title VII, alleging she was denied promotion and demoted due to her sexual orientation.

Both the District Court and the Sixth Circuit Court of Appeals applied the McDonnell Douglas burden-shifting framework but held that because Ames was a member of a majority group as a heterosexual, she had to demonstrate “background circumstances” suggesting her employer was unusual in discriminating against majority group members. Finding that Ames had not met this additional burden, the courts granted, and upheld, summary judgment to Ames’ employer. The circuit court’s decision added to a circuit split, with the Seventh, Eighth, Tenth, and D.C. Circuits already applying similar heightened burdens to majority-group plaintiffs and the remaining not requiring a heightened standard.

Supreme Court’s Holding and Reasoning

The Supreme Court unequivocally rejected the Sixth Circuit’s “background circumstances” rule, holding that Title VII’s text applies equally to all individuals and “draws no distinctions between majority-group plaintiffs and minority-group plaintiffs.” As a result, the Court reasoned, Congress left no room for courts to impose special requirements on majority-group plaintiffs alone. Moreover, the Court cited several of its prior decisions as support for uniform evidentiary standards under Title VII, including its decisions in *McDonald v. Santa Fe Trail Transportation Co.*, 427 U.S. 273 (1976) and *Bostock v. Clayton County*, 590 U.S. 644, 659 (2020).

Justice Thomas (joined by Justice Gorsuch) concurred, emphasizing the dangers of “atextual” judge-made doctrines that distort statutory interpretation and create unnecessary complexity and confusion. Justice Thomas questioned not only the “background circumstances” rule but also the continued utility of the McDonnell Douglas framework itself, reasoning that, like the heightened evidentiary standard at issue in *Ames*, the McDonnell Douglas framework is a judge-made doctrine lacking “any basis in the text of Title VII...”

Key Takeaways

Reverse-discrimination claims have been on the rise in recent years, with employees and applicants accusing employers of prioritizing diversity over merit thus using protected characteristics as the basis for making employment decisions. Removal of the heightened evidentiary standard applied in at least five circuits will likely lead to a further increase in the filing of such claims by majority groups. This is particularly likely given increasing federal efforts to target diversity, equity, and inclusion initiatives under the current presidential administration.

The ruling reinforces that employers must make employment decisions based on an individual's qualifications without consideration of protected immutable characteristics like race, sex, or sexual orientation. The decision also underscores the need for employers to ensure their hiring practices and workplace policies are applied consistently and neutrally. Employers must also ensure that supervisors and human resources personnel are adequately trained to apply company policies and recognize potential unlawful discrimination no matter what form it takes.

We will continue to monitor these developments in Title VII litigation. In the meantime, for further guidance on Title VII compliance, anti-discrimination policies, training, or the impact of this decision on your organization, please contact one of the authors or the attorney(s) in our firm with whom you are regularly in contact.

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