

## SUPREME COURT CLARIFIES INITIAL BURDEN OF PROOF FOR “REVERSE” DISCRIMINATION CLAIMS

In a decision that clarifies the evidentiary standards for all employment discrimination claims, on June 5, 2025, the United States Supreme Court issued a unanimous decision in *Ames v. Ohio Department of Youth Services* (No. 23-1039). This ruling directly impacts how “reverse” discrimination claims are evaluated, emphasizing that Title VII protects all individuals equally, regardless of their majority or minority group status.

Prior to the decision in *Ames*, a split existed among federal circuit courts regarding the initial burden of proof for plaintiffs bringing “reverse” discrimination claims under Title VII. These are cases where an individual who is a member of a historically advantaged group (e.g., a white employee, a male employee) alleges discrimination based on a protected characteristic. Some circuits, including the Sixth Circuit where the *Ames* case originated, and the Seventh Circuit where Wisconsin is located, applied a heightened “background circumstances” rule. Under this rule, a plaintiff from a majority group was required to show additional background circumstances to support the suspicion that their employer was the “unusual employer who discriminates against the majority.”

This extra hurdle was not imposed on plaintiffs from historically disadvantaged groups. The plaintiff in *Ames*, a heterosexual female, alleged she was denied a promotion and demoted due to her sexual orientation in favor of gay candidates. Her claim was initially dismissed for failing to meet this heightened background circumstances test.

The unanimous Court rejected the background circumstances rule, holding that it is inconsistent with the plain text of Title VII and the Court’s longstanding precedent. The Court emphasized that Title VII’s disparate-treatment provision makes it unlawful “to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” Justice Jackson, who authored the decision, stated that “Title VII’s disparate-treatment provision draws no distinction between majority-group plaintiffs and minority-group plaintiffs,” and “Congress left no room for courts to impose special requirements on majority-group plaintiffs alone.”

Therefore, the standard for proving disparate treatment under Title VII does not vary based on whether the plaintiff is a member of a majority or minority group, and all claims of discrimination under Title VII must be evaluated under the same evidentiary burden, typically the three-step burden-shifting framework established in *McDonnell Douglas Corp. v. Green*. The *Ames* decision reinforces the need for consistent, non-discriminatory employment practices across the board.

As always, [O'Neil Cannon](#) is here for you. We encourage you to reach out with any labor and employment questions, concerns, or legal issues you may have.