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Leveling the Field: Supreme Court Nixes Extra Hurdles for Majority Plaintiffs in Title VII Cases

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On June 5, 2025, a unanimous Supreme Court in *Ames v. Ohio Department of Youth Services* vacated a Sixth Circuit decision imposing an additional evidentiary hurdle on "majority-group" plaintiffs (e.g., Caucasian, male, heterosexual employees) pursuing Title VII disparate-treatment claims.

The plaintiff in the case, Marlean Ames, is a heterosexual woman who worked for the Ohio Department of Youth Services in various roles since 2004. In 2019, Ames applied for a newly created management position in the agency's Office of Quality and Improvement. Although she was interviewed, the agency ultimately hired another candidate – a homosexual woman – for the position. Shortly after, Ames was removed from her role as program administrator and accepted a demotion to her previous secretarial position, resulting in a significant pay cut. The agency then hired a gay man to fill the program administrator role Ames had vacated. Ames filed suit under Title VII, alleging that she was denied the promotion and demoted because of her sexual orientation.

Applying the traditional burden-shifting framework for evaluating disparate treatment claims established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), the Southern District of Ohio granted the agency's motion for summary judgment. Specifically, the District Court held that Ames, as a member of a majority group, was required at the first step of the *McDonnell Douglas* analysis to show "background circumstances" suggesting that her employer was the rare entity that discriminates against members of a demographic majority. The court explained that, as a straight woman, Ames must make the "background circumstances" showing in addition to establishing the usual elements of a prima-facie case. Without that evidence, the court held, plaintiffs like Ames who are members of majority groups cannot meet their evidentiary burden as required by the first step of the *McDonnell Douglas* inquiry. The Sixth Circuit affirmed, applying this same heightened evidentiary standard.

Writing for the Court, Justice Jackson held that the Sixth Circuit's "background circumstances" rule conflicts with the unqualified language of Title VII, which protects "any individual" from discrimination. The Supreme Court also articulated how different parameters can result in different demographic majorities, yet another reason such a rule is unworkable. The ruling clarifies that all plaintiffs – regardless of race, sex, sexual orientation, or other protected status – stand on equal footing at the prima facie stage of the familiar *McDonnell Douglas* burden-shifting framework.

Key Holdings

1. **Uniform Standard/Rejection of Heightened Evidentiary Burdens.** Title VII's text "draws no distinctions between majority-group plaintiffs and minority-group plaintiffs." Courts may not require additional proof (such as statistical evidence or "unusual employer" suspicions) from plaintiffs who belong to a demographic majority. The Supreme Court concluded that this practice "flouts" Title VII and prior precedent.
2. **Remand for Ordinary Analysis.** The Supreme Court remanded the case to the District Court for reconsideration under the standard prima facie elements: (i) membership in a protected class, (ii)

qualification for the position, (iii) adverse employment action, and (iv) circumstances giving rise to an inference of discrimination.

3. **Concurring Signal on *McDonnell Douglas*.** Justice Thomas (joined by Justice Gorsuch) concurred, criticizing judge-made frameworks like the "background circumstances" requirement as "made out of whole cloth." The concurrence included in this discussion the *McDonnell Douglas* framework itself and hinted that the Court may one day reevaluate whether it should continue to govern summary-judgment practice. Notably, this is the second time in 2025 that Justice Thomas (joined by Justice Gorsuch) has sharply questioned the legitimacy and utility of the *McDonnell Douglas* burden-shifting framework – the first coming three months ago in his dissent from the Supreme Court's denial of certiorari in *Hittle v. City of Stockton*, 604 U.S. ___, (2025).

Key Takeaways for Employers

- **Expanded Exposure from Majority-Group Employees.** Claims by employees traditionally viewed as members of a "majority" group – e.g., white, male, heterosexual – can no longer be dismissed at the prima facie stage for lack of "background circumstances." Employers should anticipate more claims brought by members of majority groups surviving initial dispositive motions.
- **Heightened Scrutiny of Adverse Actions.** Any personnel action that disproportionately affects a majority-group employee carries the same litigation risk as actions affecting minority employees. Documentation of legitimate, non-discriminatory reasons for adverse employment decisions is essential regardless of majority or minority status.
- **Training and Policy Updates.** Anti-discrimination training should emphasize that Title VII protections are symmetrical. Managers must understand that protected-class discrimination can run "both ways," and that discrimination against majority-group members is unlawful.
- **Litigation Strategy Adjustments.** Employer defendants in the Sixth, Seventh, Eighth, Tenth, and D.C. Circuits could previously rely on the "background circumstances" requirement in reverse discrimination cases. Those arguments are now foreclosed. Employers should reassess pending motions and adjust strategies accordingly.
- **Watch for Further Shifts.** The concurrence in *Ames* signals potential future erosion – or overhaul – of the *McDonnell Douglas* framework. Justice Thomas's concurrence, coupled with his earlier dissent in *Hittle*, invites litigants to present an opportunity for the Supreme Court to reconsider the entire burden-shifting approach. Should the Supreme Court toss out the *McDonnell Douglas* burden-shifting framework, the evidentiary landscape of Title VII could shift dramatically. Employers should stay informed about developments and be prepared to adapt their litigation strategies.

Bottom Line

Ames confirms that Title VII's protections belong to every employee, not merely members of historically disadvantaged groups. Employers should prepare for a litigation landscape in which members of majority groups can more easily advance a discrimination claim past the prima facie threshold. The decision also amplifies calls – led by Justice Thomas – to rethink the entire *McDonnell Douglas* burden-shifting framework.

Baker Donelson's [Labor & Employment Group](#) will continue to monitor these developments closely and keep you informed of any significant changes that may impact your organization.