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## Supreme Court Decision

# Supreme Court Rejects ‘Background Circumstances’ Rule for Title VII Claims Brought by Members of Majority Groups

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On June 5, the Supreme Court decided *Ames v. Ohio Department of Youth Services*, holding unanimously that members of majority groups suing their employers under Title VII of the Civil Rights Act of 1964 (Title VII) are not required to demonstrate “background circumstances to support the suspicion that the defendant is that unusual employer who discriminates against the majority.”

The case was brought by Marlean Ames, a heterosexual woman and employee of the Ohio Department of Youth Services. The agency passed Ames over for a promotion in favor of a gay woman, then demoted Ames and hired a gay man to fill her former position. Ames challenged the agency’s actions under Title VII, alleging that she was denied the promotion and demoted because of her sexual orientation.

Ordinarily, under the longstanding *McDonnell Douglas* framework, a Title VII plaintiff must produce only “enough evidence to support an inference of discrimination” to establish her *prima facie* case. But, in affirming summary judgment in the agency’s favor on Ames’s Title VII claim, the Sixth Circuit held that although Ames had satisfied that burden, she failed to establish “background circumstances” suggesting that the agency-employer is “that unusual employer who discriminates against the majority.” The Sixth Circuit reasoned that, as a member of a majority group, Ames was required to make this showing “*in addition to* the usual ones for establishing a prima-facie case” (emphasis added).

Justice Ketanji Brown Jackson, writing for the unanimous court, rejected this so-called “background circumstances” rule, concluding that “Title VII does not impose such a heightened standard on majority-group plaintiffs.” The rule “effectively requires majority-group plaintiffs (and only majority-group plaintiffs) to produce certain types of evidence — such as statistical proof or information about the relevant decisionmaker’s protected traits — that would not otherwise be required to make out a *prima facie* case.” Thus, the rule ran afoul of the “basic principle” that “the standard for proving disparate treatment under Title VII does not vary based on whether or not the plaintiff is a member of a majority group.” The rule also flouted the text of Title VII itself, which “draws no distinctions between majority-group plaintiffs and minority-group plaintiffs.” As with its earlier decisions — for example, in *Muldrow* and *Bostock* — this Supreme Court remains laser focused on the text of the statute in question.

*Ames* was issued amid the federal government’s shift in focus toward discrimination against majority groups. For example, as we previously [reported](#), in March 2025, the Equal Employment Opportunity

Commission and Department of Justice released a joint one-page technical assistance [document](#) aimed at curbing “DEI-related discrimination.” The Equal Employment Opportunity Commission and Department of Justice’s guidance was prepared in response to President Donald Trump’s [issuance](#) of an executive order encouraging the private sector to dispense with diversity, equity and inclusion programs and practices.

Paul Hastings will monitor *Ames*’s impact on lower court decisions. Employers, in the meantime, should remain cognizant of federal, state and local standards for employment discrimination, which may conflict with one another.

### Key Takeaways

- The Supreme Court has rejected a Circuit Court’s holding that members of majority groups have an extra evidentiary burden under Title VII.
- The Supreme Court grounded its ruling primarily in the text of Title VII itself.



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