

CLIENT ALERT: Supreme Court Clarifies Standard for So-Called “Reverse” Discrimination Claims

On June 5, 2025, the Supreme Court held that majority group plaintiffs do not have to meet a higher evidentiary standard than minority group plaintiffs to support their discrimination claims under federal law. In *Ames v. Ohio Department of Youth Services*, the Court reaffirmed that all discrimination claims under Title VII of the Civil Rights Act of 1964 must be analyzed under the same standard, regardless of whether that claim is asserted by a majority group plaintiff or minority group plaintiff, overruling case law from several Circuit Courts of Appeals.

Background

In *Ames*, the plaintiff asserted a sexual orientation discrimination claim after she, a heterosexual woman, was denied a promotion in favor of a gay candidate. In evaluating the employer’s summary judgment motion, the District Court required Ames to establish the traditional *McDonnell-Douglas* framework, specifically that Ames applied for an available position for which she was qualified, but was rejected under circumstances which give rise to an inference of unlawful discrimination because of her protected class.

Because Ames was a member of a majority group (heterosexual), the District Court required Ames to provide additional “background circumstances” that suggested that the employer was the rare employer that discriminates against majority group members. Concluding that Ames failed to establish any additional “background circumstances,” the District Court awarded summary judgment for the employer. Consistent with then-applicable precedent, the Sixth Circuit Court of Appeals affirmed.

Decision

The Supreme Court rejected the imposition of a “background circumstances” requirement for majority group plaintiffs. Writing for the unanimous Court, Justice Ketanji Brown Jackson emphasized that Title VII’s protections apply equally to all protected characteristics. As a result, the Court held that discrimination claims should be analyzed under the same standard regardless of whether the plaintiff is a member of a minority or majority group.

Implications for Employers

Ames makes clear that discrimination claims of all Title VII plaintiffs must be evaluated under the same legal framework. For employers operating in certain jurisdictions, *Ames* removes one argument that may have led to early dismissals of majority group discrimination claims. Despite getting headlines, *Ames* is consistent with the position long held by the Equal Employment Opportunity Commission (“EEOC”). The EEOC has rejected referring to these majority group discrimination claims by their popular moniker of “reverse discrimination” because any adverse action motivated by any protected characteristic is simply unlawful discrimination.

Regardless of the name, employers may see more claims by majority group members, particularly given the focus of *some recent executive orders* by the Trump administration, and the EEOC leadership’s *stated priorities*. Employers who have questions regarding preventing or defending against majority group discrimination claims are encouraged to consult with their MBJ attorney.

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