Client Alert: Supreme Court Clarifies Law on So-called "Reverse Discrimination" Claims

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On June 5, 2025, the Supreme Court settled a longtime debate among federal appellate courts regarding so-called "reverse discrimination" claims that are brought by employees under Title VII of the Civil Rights Act of 1964 ("Title VII"). In a unanimous decision, the Court clarified that employees alleging discrimination *cannot* be subject to a heightened evidentiary standard simply because they are members of a majority group.

The case, *Ames v. Ohio Department of Youth Services*, centered on a heterosexual female plaintiff who claimed she was denied a promotion due to her sexual orientation after a position she sought went to a gay candidate. The trial court analyzed the plaintiff's case under the long-standing *McDonnell Douglas* burden-shifting framework, however, it held the plaintiff to a heightened evidentiary standard. That is, in addition to requiring her to establish the basic elements of a case of discrimination, the plaintiff also was required to show "background circumstances to support the suspicion that the defendant is the unusual employer who discriminates against the majority." Determining that the plaintiff had not met this burden, the court granted summary judgment for the employer, which means the case was dismissed as a matter of law. The Sixth Circuit Court of Appeals affirmed that ruling in favor of the employer. The plaintiff then appealed to the Supreme Court.

On review, the Supreme Court rejected the additional "background circumstances" requirement that the trial court and Sixth Circuit had imposed on the plaintiff, holding that it was inconsistent with longstanding precedent and the plain text of Title VII. The Court noted that Title VII prohibits discrimination against "any individual" based on race, color, religion, sex or national origin without distinguishing between majority and minority-group plaintiffs. Put another way, discrimination is discrimination.

EMPLOYER TAKEAWAY

In addition to the Sixth Circuit, only a handful of jurisdictions, all of which are outside of New England and New York (i.e., the Seventh, Eighth, Tenth, and D.C. Circuits) had applied a heightened standard to claims brought by majority-group plaintiffs. Practically speaking, *Ames* may make it harder for employers in those jurisdictions to achieve the early dismissal of so-called "reverse discrimination" claims. Elsewhere, however, the status quo has not changed.

Employers across all jurisdictions should take care to ensure that all internal complaints of discrimination, regardless of the particular characteristics of the complaining party, are promptly and adequately investigated.

If you have questions related to this alert, please contact your Bowditch attorney or our Employment practice.

