

JULY 11, 2025 | DISCRIMINATION, HARASSMENT &amp; RETALIATION

# Ames v. Ohio Department of Youth Services: What the Supreme Court's Unanimous Ruling Means for Employers and DEI Policies

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Reshaping the litigation landscape for workplace discrimination claims, last month, the U.S. Supreme Court ruled in *Ames v. Ohio Dept. of Youth Servs.*, 145 S. Ct. 1540 (June 5, 2025), that plaintiffs bringing so-called “reverse discrimination” claims under Title VII of the Civil Rights Act of 1964 cannot be subjected to a heightened pleading standard. The ruling eliminates the “background circumstances” requirement that several federal circuit courts of appeals (including the Sixth, Seventh, Eighth, and Tenth Circuits) had imposed on plaintiffs belonging to majority groups—most commonly white, male, or heterosexual employees.

This unanimous decision by the Supreme Court resolves a longstanding split amongst federal circuit courts and is likely to increase the number of reverse discrimination claims moving forward. It also signals an increased likelihood that courts will scrutinize employer diversity, equity, and inclusion (DEI) initiatives that could be perceived as disadvantaging majority-group employees.

## What Happened in Ames?

Marlean Ames, a heterosexual woman employed by the Ohio Department of Youth Services, alleged that she was passed over for a promotion in favor of a lesbian colleague, and later demoted, her position ultimately filled by a gay man. Ames filed a discrimination claim under Title VII, but both the district court and the Sixth Circuit dismissed her case early on, applying a stricter standard required of majority-group plaintiffs in several federal circuit courts of appeals.

Under this stricter standard—known as the “background circumstances” test—plaintiffs like Ames had to show that the employer had a specific reason or track record of discriminating against majority-group individuals. In effect, she was required to provide more evidence than a similarly situated minority employee would have needed to proceed.

## The Court's Ruling: All Plaintiffs Are "Any Individual" Under Title VII

Justice Ketanji Brown Jackson, writing for a unanimous Court, held that Title VII applies equally to "any individual" who alleges discrimination based on race, color, religion, sex, or national origin. The Court concluded that imposing a heightened burden on plaintiffs based on their majority-group status was not supported by the text of the statute and undermined its fundamental purpose.

The Court vacated the Sixth Circuit's decision and sent the case back to the trial court to be reconsidered using the same framework applied to all Title VII plaintiffs.

## Why This Matters for Employers

This decision aligns all courts, nationwide, to the same standard for deciding reverse discrimination claims. Here's why employers should take note:

### 1. Expect More Claims from Majority-Group Employees

For years, the "background circumstances" rule helped employers in some circuits defeat reverse discrimination claims early in litigation. That barrier is now gone. Plaintiffs—regardless of race, sex, or orientation—now have the same path forward, which will likely lead to more reverse discrimination cases surviving early dismissal and proceeding to discovery or trial.

### 2. DEI Programs May Face Increased Legal Scrutiny

While the Court did not explicitly strike down DEI initiatives via *Ames*, Justice Clarence Thomas's concurrence signaled growing concern about programs that could disadvantage majority-group employees. Employers should carefully review DEI practices to ensure that they are inclusive and not inadvertently discriminatory.

### 3. The McDonnell Douglas Framework Remains—For Now

Though the Court declined in *Ames* to upend the longstanding burden-shifting framework used in discrimination case<sup>[1]</sup>, Justice Thomas again questioned its legitimacy. Future litigation may bring that issue back before the Court.

## What Employers Should Do Now

- Reassess promotion, demotion, and hiring practices to ensure that there is no discrimination against anyone, including majority-group employees.
- Conduct a legal review of DEI programs.
- Train managers and HR teams to avoid policies and practices that could be perceived as discriminating against majority-group employees.
- Be prepared for potential reverse discrimination claims brought by majority-group employees.

## The Bottom Line

The *Ames* decision does not roll back Title VII or threaten DEI outright, but it reaffirms that fairness under the law must be uniform. In today's workplace, that means evaluating every employment decision with consistency, neutrality, and legal precision.

For companies navigating this evolving environment, it's critical to ensure that DEI values align with compliance responsibilities. If you'd like to discuss how this ruling may impact your policies or litigation posture, Conn Maciel Carey's [labor and employment law team](#) is here to help.

[1] Under the traditional *McDonnell Douglas* framework, after the Complainant establishes a *prima facie* case of discrimination, the burden shifts to the employer to produce evidence that the adverse action was taken for a legitimate, non-discriminatory reason. If the employer provides a legitimate, nondiscriminatory reason, the presumption of retaliation raised by Complainant's *prima facie* case is rebutted. The burden of proof then shifts back to Complainant, who must show that the legitimate reasons offered by the defendant were not its true reasons but were a pretext for discrimination.