

No More Extra Hurdles: Court Strikes Down Title VII Bias Rule

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Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against any individual based on race, color, religion, sex, or national origin. But does that protection apply equally to white, male, or heterosexual employees? Or should they have to clear a higher bar to prove discrimination? On June 5, 2025, the United States Supreme Court answered with a unanimous “no” in its decision in *Ames v. Ohio Department of Youth Services*. *Ames* eliminates the “background circumstances” rule, which mandated that majority-group plaintiffs in Title VII discrimination cases provide additional evidence suggesting that the employer was the “unusual” type that discriminates against the majority.

The case involved Marlean Ames, a heterosexual employee, who alleged that the Ohio Department of Youth Services discriminated against her. Ames interviewed for a new management position, but the agency instead hired a lesbian candidate. Shortly after, she was removed from her role as program administrator and demoted to a secretarial job, with a pay cut. The agency then hired a gay man to replace her as program administrator. Ames sued under Title VII, claiming she was denied the promotion and demoted because of her sexual orientation.

The United States District Court for the Southern District of Ohio granted summary judgment to the agency. And the U.S. Court of Appeals for the Sixth Circuit affirmed, reasoning that as a heterosexual individual, the plaintiff needed to present proof that a member of the relevant minority group (in this case, gay individuals) made the employment decision or statistical data demonstrating a pattern of discrimination against the majority group. Since Ames presented neither type of evidence, the Sixth Circuit upheld the dismissal.

The Supreme Court rejected that approach. “Title VII’s disparate-treatment provision draws no distinctions between majority-group plaintiffs and minority-group plaintiffs,” Justice Jackson wrote. That law “makes it unlawful ‘to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.’” Title VII is about individual rights, not demographic majorities or minorities: “Congress left no room for courts to impose special requirements on majority-group plaintiffs alone.” Citing *Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1971), the Court reaffirmed that “[d]iscriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed.” The ruling thus resolved a split between federal appellate courts, some of which required majority-group plaintiffs to show “background circumstances”—like a minority-group decisionmaker or statistical evidence of anti-majority discrimination—and circuits that did not.

Key Takeaways

- *Importance of Continued Compliance.* It is prudent for employers to continue monitoring their employment practices (including hiring, promotions, terminations, and other personnel decisions) to ensure compliance with Title VII, as the ruling may heighten scrutiny of decisions affecting “majority-group” employees.
- *Potential Increase in Litigation Risk:* The uniform evidentiary standard may embolden majority-group employees to pursue Title VII claims. Employers face heightened litigation risk if employment decisions lack clear, non-discriminatory justifications. Proactive measures, including regular audits of hiring and promotion practices, may aid in mitigating this risk.

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- *Legitimate, Non-Discriminatory Reason for Adverse Employment Action.* Employers retain the ability to defend against discrimination claims by demonstrating that employment actions were based on legitimate, non-discriminatory reasons. And the Court emphasized that the plaintiff always bears the ultimate burden of proving intentional discrimination.
- *DEI Implications?* While *Ames* is a Title VII case, the Court's emphasis on neutrality and individualized treatment may also have broader implications. The decision reinforces the principle that employment decisions—regardless of motive—must be free from group-based preferences.

If you have any questions or concerns about the impact of the Supreme Court decision on your workplace, please do not hesitate to contact your Miller Canfield attorney or one of the authors of this alert.