



Supreme Court Unanimously Clarifies Title VII Standard in Ames Decision

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The U.S. Supreme Court’s recent decision in [Ames v. Ohio Department of Youth Services](#) clarifies how Title VII employment “reverse” discrimination claims brought by plaintiffs belonging to a majority group are analyzed, resolving a circuit split and reshaping the applicable legal standard in the Tenth Circuit, which includes Utah.

In *Ames*, which originated in the Sixth Circuit, the plaintiff alleged that she, as a straight woman, was discriminated against and that her employer had favored lesbian and gay individuals in employment decisions. Under the established *McDonnell Douglas* framework for such claims, an employee alleging disparate treatment discrimination must first produce evidence to support an inference that an employer has a discriminatory motive. This first step is generally not onerous. If the employee is successful, the employer must then articulate a legitimate, nondiscriminatory reason for its actions.

If the employer does so, the employee must then show that the employer's justification is merely a pretext for discrimination. The *Ames* decision specifically focused on what initial showing the employee must make.

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JUNE 11, 2025

Because the Tenth Circuit had previously adopted the same standard as the Sixth Circuit, the *Ames* decision has also changed the analysis here in Utah. Previously, courts like the Sixth Circuit and the Tenth Circuit required plaintiffs belonging to a protected-class majority to demonstrate “background circumstances” suggesting that the employer “is the unusual employer who discriminates against the majority” at the first step of the *McDonnell Douglas* framework. This was an additional requirement that plaintiffs belonging to a protected-class minority did not have to satisfy. However, the U.S. Supreme Court unanimously rejected this additional background circumstances requirement for majority-group plaintiffs, emphasizing that Title VII does not differentiate between majority-group and minority-group plaintiffs. This means that all plaintiffs must meet the same standard to establish a *prima facie* case of discrimination.

As a result of the *Ames* decision, the risk regarding majority group plaintiffs’ claims has shifted in the Tenth Circuit and other jurisdictions that used the standard rejected by the Supreme Court. Employers should take this opportunity to review and potentially revise their employment practices and policies to ensure compliance with Title VII’s non-discrimination requirements. If you have any questions or need assistance in understanding how this decision may impact your business, please do not hesitate to reach out to us. We are here to help you navigate these changes and any other employment-related issues you may face.



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