

The Work Week

Bassford Remele Employment Practice Group



June 16, 2025

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

[Bassford Remele Employment Practice Group](#)

U.S. Supreme Court Revives Reverse Discrimination Claim

[Michael J. Pfau](#)

On June 5, 2025, the U.S. Supreme Court handed down a groundbreaking 9–0 decision in *Ames v. Ohio Department of Youth Services*, significantly lowering the bar for so-called “reverse discrimination” claims under Title VII of the Civil Rights Act. In March, we [previewed](#) the oral arguments.

Writing for the Court, Justice Ketanji Brown Jackson emphasized that Title VII offers protection to “any individual,” making clear that courts may not impose additional pleading hurdles on plaintiffs who belong to majority groups, such as whites or heterosexuals, when they bring discrimination claims. Specifically, Justice Brown wrote:

The Sixth Circuit’s “background circumstances” rule requires plaintiffs who are members of a majority group to bear an additional burden at step one. But the text of Title VII’s disparate-treatment provision draws no distinctions between majority-group plaintiffs and minority-group plaintiffs. The provision focuses on individuals rather than groups, barring discrimination against “any individual” because of protected characteristics. Congress left no room for courts to impose special requirements on majority-group plaintiffs alone.

The decision rejected the “background circumstances” requirement, which had previously forced majority-group plaintiffs to demonstrate patterns of bias or statistical evidence before proceeding.

As for the underlying case, Marlean Ames—a longstanding employee of the Ohio Department of Youth Services since 2004—alleges that in 2019, she was passed over for promotion in favor of a lesbian colleague and then demoted and replaced by a gay man, because she is straight. Although she met the usual prima-facie criteria under Title VII, the Sixth Circuit dismissed her case for failing to show “background circumstances,” indicating bias against majority groups.

The ruling eliminates a legal barrier used in five federal appellate circuits covering roughly 20 states plus D.C., leveling the playing field so that majority and minority-group plaintiffs proceed under the same standard. Courts no longer need to treat “reverse discrimination” claims differently, rather they will use the same Title VII framework: A qualified individual who is rejected under suspicious circumstances may proceed to demonstrate intentional discrimination.

Ames’s lawsuit now returns to the lower courts under the corrected standard, with no extra burdens on majority-group plaintiffs.

The ruling is expected to spur more “reverse discrimination” lawsuits. Courts will now evaluate all claims for intentional discrimination evenly, without using additional filters for group identity.

The Supreme Court’s ruling in *Ames* signals a shift toward a uniform standard for all Title VII claims, regardless of the claimant’s identity. This change increases litigation risk and puts greater pressure on employers to review and refine their hiring and promotion policies.

Bassford Remele’s Employment group continues to monitor changes in employment-law on a local and national basis. We regularly guide employers through this evolving legal landscape. Please reach out with any questions or if you need assistance!

LEARN MORE ABOUT OUR EMPLOYMENT PRACTICE » »

Copyright © 2025 Bassford Remele, All rights reserved.