

# Supreme Court Rejects “Background Circumstances” Requirement in Alleged “Reverse Discrimination” Cases

By Elizabeth N. Hall and Marianna E. Politis

June 6, 2025

On February 25, 2025, the Supreme Court heard oral arguments in [Marlean A. Ames v. Ohio Department of Youth Services](#), to decide whether the Sixth Circuit properly held that members of a “majority group” must show “background circumstances” to establish a *prima facie* case of discrimination under Title VII. On June 5, 2025, the Supreme Court definitively found that they do not.

The *Ames* plaintiff – a heterosexual woman – alleged that the Ohio Department of Youth Services discriminated against her, in violation of Title VII, and on the basis of her sexual orientation, by hiring a lesbian woman instead of Ames for a management position and demoting her and hiring a gay man to fill her role. In affirming the District Court’s grant of summary judgment for the agency, the [Sixth Circuit](#) held that Ames had failed to show as part of her *prima facie* case that there were “background circumstances to support the suspicion that the [agency] was that unusual employer who discriminates against the majority.” Of note, the “background circumstances” requirement, per the Sixth Circuit, applied to Ames as a “majority group” member in addition to the “usual” showing required to establish a *prima facie* case under Title VII.

In vacating the Sixth Circuit’s ruling, the Supreme Court held that the Sixth Circuit’s “background circumstances” rule was inconsistent with the language of Title VII which “draws no distinction between majority-group plaintiffs,” and makes it unlawful to discriminate against *any* “individual” on the basis of race, color, religion, sex or national origin. The Court also found that imposing such a uniform requirement on majority-group plaintiffs was inconsistent with its precedent, which provides that the “precise requirements of a *prima facie* case [under Title VII] can vary depending on the context and were never intended to be rigid, mechanized, or ritualistic.”

Employers should be mindful of the *Ames* ruling going forward, including in evaluating their litigation strategies and practices. If you have any questions about this article, please contact Elizabeth N. Hall at [ehall@vedderprice.com](mailto:ehall@vedderprice.com), Marianna E. Politis at [mpolitis@vedderprice.com](mailto:mpolitis@vedderprice.com) or any other Vedder Price attorney with whom you have worked.

[vedderprice.com](https://vedderprice.com)