

**Bodman PLC**

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### **Supreme Court Eliminates “Background Circumstances” Test for Title VII Claims**

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In a unanimous decision, the United States Supreme Court has formalized and affirmed the legal standard for employment discrimination claims for non-minority groups under Title VII of the Civil Rights Act of 1964.

#### **What Changed?**

Previously, some courts, including the Sixth Circuit, required majority-group employees (such as white, male, heterosexual, or non-minority employees) to meet a heightened burden when bringing discrimination claims. This heightened burden, deemed the “background circumstances” test, required plaintiffs to present extra evidence suggesting that the employer could be biased against majority-group members.

In *Ames v. Department of Youth Services*, the Sixth Circuit relied on that test to dismiss a heterosexual woman’s claim that she was discriminated against based on her sexual orientation. The Supreme Court reversed, holding that Title VII protects *any individual* from discrimination based on race, color, religion, sex, or national origin—regardless of majority or minority status. The court emphasized that Title VII contains no language that limits protection only to members of historically marginalized groups.

#### **What Does This Mean for Employers?**

This decision broadens the scope of who can bring a discrimination claim and eliminates the distinction between “majority” and “minority” employees. Any adverse action perceived to be taken “because of” a protected characteristic can form the basis of a claim—no extra evidentiary hurdle applies.

#### **Takeaways for Employers:**

To mitigate risk, employers should ensure that *all* employment decisions, regardless of the employee’s demographics, are:

1. Based on objective, job-related reasons;
2. Consistently applied across the workforce;
3. Thoroughly documented, including performance issues, disciplinary steps, and supporting evidence;
4. Reviewed with Human Resources before action is taken.

This decision is a reminder that Title VII protections apply to everyone and that robust documentation and clear, nondiscriminatory justifications for employment decisions are essential.

Please contact the author, Michelle L. Kolkmeier (248-925-1935 | [mkolkmeier@bodmanlaw.com](mailto:mkolkmeier@bodmanlaw.com)), or any member of Bodman's [Workplace Law Group](#) if you have questions regarding any of the information above. Bodman cannot respond to your questions or receive information from you without establishing an attorney-client relationship and clearing potential conflicts with other clients. Thank you for your patience and understanding.

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