

framework has been used by litigants and courts for over 50 years to articulate a means for determining the presence of discriminatory animus in single-motive cases. Justice Thomas wrote that this standard is incomplete and often misunderstood by courts, and invited a case that would ask the Supreme Court could consider the question of whether *McDonnell Douglas* should continue to be used.

The impact of this decision ought to be fairly minimal, as it has long been the rule that Title VII protects all individuals, regardless of whether their race, color, sex, religion, or national origin is one of the “minority” or of the “majority.” However, in today’s anti-DEI climate, it is sure to be a boon to those who claim that initiatives by employers intended to attract “minority” candidates or support historically marginalized groups in the workplace are unlawful, and opens the door for both an upending of the burden of proof in disparate treatment cases and an expansion of the holding of *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 US 181 (2023) – where the Supreme Court previously ruled that race-based decisions in college admissions run afoul of the equal protection clause – into the employment context.

ASHER, GITTLER & D’ALBA, LTD.
200 West Jackson Boulevard, Suite 720
Chicago, IL 60606 – 312.263.1500

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Dated: June 10, 2025

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