

United States Court of Appeals for the Fifth Circuit

No. 25-11351
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 16, 2026
Lyle W. Cayce
Clerk

AMY ANDERTON,

Plaintiff—Appellant,

versus

DALLAS INDEPENDENT SCHOOL DISTRICT,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:23-CV-2696

Before JONES, HO, AND WILSON, *Circuit Judges.*

PER CURIAM:*

Dr. Amy Anderton filed suit against her former employer, Dallas Independent School District (DISD), alleging race discrimination under Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. § 2000e *et seq.*, and age discrimination under the Age Discrimination in Employment Act of

* This opinion is not designated for publication. *See* 5th Cir. R. 47.5.

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1967 (ADEA), 29 U.S.C. § 621 *et seq.* The district court granted summary judgment for DISD on both of Anderton's claims. We affirm.

I.

Anderton, a sixty-year-old white woman, worked as the Director of World Languages for DISD from March 2015 to December 2023. In September 2023, Anderton used DISD resources to locate two district students who were in foster care after Child Protective Services (CPS) had removed the siblings from the home of their biological parents. Anderton met the students at their schools and allowed one of them to communicate with his biological parents, whom Anderton personally knew, despite CPS restrictions on such communication. The students' foster mother reported Anderton to DISD, and DISD commenced an investigation into alleged policy violations arising from Anderton's actions.

Following the investigation, DISD prepared a twelve-page Report of Investigation (ROI), supported by fifty-eight pages of evidence, substantiating that Anderton had violated DISD policies. After an independent review, the DISD Legal Review Committee unanimously voted to terminate Anderton due to her policy violations and notified her of its decision by letter on December 12, 2023.

After her termination, Anderton filed this lawsuit. The district court granted DISD's motion for summary judgment, concluding that Anderton failed to raise a genuine dispute of material fact as to her claims.

II.

We review a district court's grant of summary judgment *de novo*. *Johnson v. Louisiana*, 351 F.3d 616, 621 (5th Cir. 2003). Summary judgment is appropriate "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."

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FED. R. CIV. P. 56(a). A dispute regarding a material fact is “genuine” if the evidence would permit a reasonable jury to return a verdict in favor of the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). We view the evidence in the light most favorable to the nonmovant and draw all reasonable inferences in her favor. *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 150–51 (2000).

Title VII makes it unlawful “to discharge any individual . . . because of such individual’s race.” 42 U.S.C. § 2000e-2(a)(1). The ADEA makes it unlawful “to discharge any individual . . . because of such individual’s age.” 29 U.S.C. § 623(a)(1). Because Anderton’s Title VII claim and ADEA claim rely on the same facts, we analyze the claims together. *See Bauer v. Albemarle Corp.*, 169 F.3d 962, 967 (5th Cir. 1999).

The *McDonnell Douglas* burden-shifting framework governs because Anderton provides no direct evidence of discrimination. *See McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 801 (1973); *Sandstad v. CB Richard Ellis, Inc.*, 309 F.3d 893, 896 n.2 (5th Cir. 2002) (“This circuit applies the *McDonnell Douglas* rubric to both Title VII and ADEA claims.”). That framework first requires a plaintiff to establish a prima facie case of discrimination. *Tex. Dep’t of Cmty. Affs. v. Burdine*, 450 U.S. 248, 254 (1981).

To state a claim for race discrimination under Title VII, a plaintiff must show that she (1) is a member of a protected group; (2) was qualified for the position at issue; (3) was discharged or suffered some adverse employment action by the employer; and (4) was replaced by someone outside her protected group or was treated less favorably than other similarly situated employees outside the protected group. *Thomas v. Tregre*, 913 F.3d 458, 462 (5th Cir. 2019) (citation omitted). To establish a prima facie case of age discrimination under the ADEA, a plaintiff must demonstrate that (1) she was within the protected class (i.e., she was over 40 years old) at the

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time of the challenged action; (2) she was qualified for the position; (3) the defendant discharged, refused to hire, or otherwise discriminated against her; and (4) (i) she was replaced by someone outside the protected class, (ii) she was replaced by someone younger, or (iii) the discharge, refusal to hire, or other discrimination was otherwise because of her age. *Jackson v. Cal-Western Packaging Corp.*, 602 F.3d 374, 379 (5th Cir. 2010).

If the plaintiff substantiates a prima facie case, the burden of production shifts to the defendant to provide a legitimate, non-discriminatory reason for the adverse action. *Tex. Dep't of Cmty. Affs.*, 450 U.S. at 254. If the defendant fulfills this burden, the burden reverts to the plaintiff to prove by a preponderance of the evidence that the defendant's explanation is not the true reason but rather pretext. *Id.*

We assume *arguendo* that Anderton's evidence substantiates a prima facie case. *See Sandstad*, 309 F.3d at 898. We also determine that DISD has provided a legitimate, non-discriminatory reason for the adverse action because policy violations are legitimate, non-discriminatory reasons for termination, and Anderton does not deny she violated district policy. *See Ross v. Judson Indep. Sch. Dist.*, 993 F.3d 315, 324 (5th Cir. 2021). Regardless, Anderton's claims fail because she has not shown pretext.

In asserting that DISD's explanation is pretextual, Anderton argues that the reasons DISD cited for her termination evolved over time. Anderton specifically contrasts the ROI, which states that she took the actions she did "for personal purpose," with DISD's summary judgment evidence, which says she did so "for personal advantage." She also points to language, such as "serious danger" and "interfered in a CPS investigation," which DISD's summary judgment evidence, but not the ROI, includes. Additionally, she highlights purported variances between the factual account in her termination letter and that in the ROI.

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An employer's substantively inconsistent explanations for its employment decisions can create a genuine dispute of material fact regarding pretext. *See Gee v. Principi*, 289 F.3d 342, 347–48 (5th Cir. 2002) (finding a genuine dispute of material fact for pretext when the proffered reason for non-selection directly contradicted plaintiff's performance reviews); *Evans v. City of Houston*, 246 F.3d 344, 355–56 (5th Cir. 2001) (finding a genuine dispute of material fact as to pretext when a supervisor praised an employer as “qualified and willing” but recommended demotion due to performance issues); *cf. Squyres v. Heico Companies, LLC*, 782 F.3d 224, 234–35 (5th Cir. 2015) (finding no genuine dispute of material fact as to pretext when slightly different explanations of facts were attributable to their different contexts).

While Anderton fixates on mere differences in vocabulary choice and minor discrepancies in the reported length of her visit, DISD's accounts of the incident all describe substantially identical conduct. Anderton does not identify any material shift in the reasons DISD cited for her termination. *See Squyres*, 782 F.3d at 234–35. She thus fails to show a genuine dispute of material fact regarding pretext.

III.

Viewing the evidence as a whole and drawing all reasonable inferences in her favor, Anderton has raised no genuine dispute of material fact regarding pretext in the reasons for her termination by DISD. The district court's grant of summary judgment is therefore AFFIRMED.