

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Argued December 10, 2024

Decided June 18, 2025

Before

THOMAS L. KIRSCH, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-1688

MICHELLE HAGEN,
Plaintiff-Appellant,

v.

FOND DU LAC SCHOOL DISTRICT,
Defendant-Appellee.

Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 2:19-cv-01863

Pamela Pepper,
Chief Judge.

O R D E R

At the end of the 2016–17 school year, Michelle Hagen, the principal of Fond du Lac High School, was reassigned to an elementary school. Hagen, who was fifty-four years old at the time, believed that her reassignment was motivated by age and sex discrimination. She sued the school district for violating Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-2 *et seq.*, and the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* (ADEA). The district court granted summary judgment for the school district. We affirm.

I

We recount the facts in the light most favorable to Hagen as the party opposing summary judgment. *See Paschall v. Tube Processing Corp.*, 28 F.4th 805, 812 (7th Cir. 2022). Prior to the 2014–15 school year, the Fond du Lac School District (the District) had vacancies for the principal positions at Lakeshore Elementary School and Fond du Lac High School. Hagen applied and interviewed for both positions.

James Sebert, the District’s superintendent, hired Hagen for the high school principal position. She was fifty-one years old. For the position at Lakeshore Elementary School, Sebert hired Matt Steinbarth, who was thirty-nine years old at the time.

When Hagen began her tenure as the principal of Fond du Lac High School, she was informed that the high school’s climate and academic achievement levels needed improvement. At the end of the 2014–15 school year, Sebert gave Hagen her yearly evaluation, rating her performance as being overall “effective.” However, he noted several areas for growth, including the need to engage “even more deeply in instructional leadership and learning to move the [high school] forward.” The following year, Hagen again received an overall rating of “effective,” although this time, Sebert gave her a rating of “Developing” or “Needs Improvement” in three areas, including promoting school climate. Sebert noted in his evaluation that “the culture and climate survey data [at the high school was] troublesome” and asked Hagen to develop a written growth plan to address this, as well as the other two areas, needing improvement.

To help her achieve her growth plan, the District provided Hagen with additional resources for the 2016–17 school year. For example, the District sent Hagen to a professional development conference and retained outside professionals to assist her with professional development at the high school. Sebert also directed the District’s Director of Curriculum and Pupil Services to meet with Hagen over the summer and fall to provide her with professional development guidance. And Sebert himself met with Hagen once a month during the school year to review her progress in the areas they had discussed. Through it all, Hagen remained the highest paid principal in the District.

As the 2016–17 school year closed, the District released the results of its annual survey of staff, parents, and students regarding the culture and climate at the various schools. The high school’s average score trailed significantly behind those of the middle school and elementary schools, while Lakeshore Elementary School, where Steinbarth was the principal, was one of the highest performing schools in the District.

A short time later, Sebert informed Hagen that she would be reassigned to be the principal of Roberts Elementary School starting in the 2017–18 school year. During their conversation, he told her that he believed Hagen would be “a better fit” at the elementary school.

Because an elementary school principal operated under a 211-day contract (rather than the 260-day contract that applied to a high school principal), Hagen’s reassignment would have resulted in a salary decrease. But Sebert allowed her to remain on a 260-day contract for the 2017–18 school year. Later, as the 2018–19 school year approached, Hagen was notified that her salary would change to the standard 211-day contract for elementary school principals.

Around the same time Sebert informed Hagen of her reassignment, he selected Steinbarth to be the new principal at Fond du Lac High School. During Steinbarth’s tenure as principal at Lakeshore Elementary School, the school’s culture and climate ratings had consistently improved, and Steinbarth himself received favorable evaluations without a “Needs Improvement” or “Developing” rating in any category.

In December 2017, Hagen filed a charge with the Equal Employment Opportunity Commission (EEOC) alleging that the District had discriminated against her based on her sex and age by reassigning her from Fond du Lac High School to Roberts Elementary School. After receiving the EEOC’s Dismissal and Notice of Rights, Hagen sued the District in the Eastern District of Wisconsin. The district court entered summary judgment for the District on both of Hagen’s claims, concluding that Hagen had failed to show that (1) her age was the cause of her reassignment and (2) her sex was a motivating factor in her reassignment. Hagen then filed this appeal.

II

We review the district court’s summary judgment ruling *de novo*, “affirming if there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law.” *Singmuongthong v. Bowen*, 77 F.4th 503, 507 (7th Cir. 2023) (citation omitted); Fed. R. Civ. P. 56(a). To survive summary judgment on her Title VII and ADEA claims, Hagen “either needed to establish a dispute of material fact under the familiar burden-shifting framework of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), or more generally present enough evidence from which a reasonable jury could find that [the District] discriminated against her because” of her age or sex. *Gamble v. Cnty. of Cook*, 106 F.4th 622, 625–26 (7th Cir. 2024) (citing *Ortiz v. Werner Enters., Inc.*, 834 F.3d 760, 766

(7th Cir. 2016)). The overarching question in an employment discrimination case is whether a reasonable factfinder could conclude from the evidence that proscribed factors—here, Hagen’s age and sex—caused the adverse employment action. *See Ortiz*, 834 F.3d at 765.

Although the analytical frameworks to evaluate Title VII and ADEA claims are similar at summary judgment, they apply different standards for causation: Title VII asks whether sex was a “motivating factor” of the adverse employment action, while the ADEA asks whether age was the “but for” cause of the adverse action. *Igasaki v. Ill. Dep’t of Fin. & Pro. Regul.*, 988 F.3d 948, 960 (7th Cir. 2021) (citing *Gross v. FBL Fin. Servs., Inc.*, 557 U.S. 167, 177 (2009)).

Under *McDonnell Douglas*, the plaintiff bears the initial burden to make a *prima facie* case of discrimination. *See id.* at 957. To establish a *prima facie* case, the plaintiff must demonstrate that (1) she belongs to a protected class, (2) she was meeting the defendant employer’s legitimate expectations, (3) she suffered an adverse employment action, and (4) she was similarly situated to other employees who were not members of the protected class and were treated better. *See id.* If the plaintiff establishes a *prima facie* case of discrimination, the burden shifts to the defendant employer to provide a nondiscriminatory justification for the challenged employment action. *See id.* If the employer does so, the burden shifts back to the plaintiff to prove that the employer’s proffered nondiscriminatory reason is pretext. *See id.*

“[W]here a defendant offers a nondiscriminatory explanation for its employment decision ... the *prima facie* case and pretext inquiries often overlap, so courts may skip the analysis of a plaintiff’s *prima facie* case and proceed directly to the evaluation of pretext.” *Vassileva v. City of Chicago*, 118 F.4th 869, 874 (7th Cir. 2024) (citation modified). The nondiscriminatory reason that Sebert gave for Hagen’s reassignment was that she would be a “better fit” to serve as the principal of the elementary school. To show that this proffered reason was pretext to cover for unlawful discrimination, Hagen must put forth evidence demonstrating that the reason was a “dishonest explanation, a lie rather than an oddity or an error.” *Id.* (citation modified). Hagen fails to do so.

For evidence of pretext relating to her sex discrimination claim, Hagen points to Sebert’s participation in an informal “lunch group” and his acts of supposed favoritism for members of that group. The group, comprised mostly of male administrators under the age of fifty, gathered for lunch and made bets on sporting events with the loser buying lunch for everyone else.

Hagen singles out two members of this group—Don Smith and Dave Michalkiewicz. According to Hagen, Sebert discovered that Smith was having an affair with another teacher but did not fire him. But Sebert did not ignore the infraction. Rather, he treated the issue as a personnel matter and documented it in Smith's file. Hagen does not explain why this was inconsistent with the District's policy. As for Michalkiewicz, Hagen complains that he received a better performance rating even though the two of them had submitted comparable self-evaluations. But, as Hagen herself acknowledged in her deposition, this document was only one of several factors that influenced their evaluations, and she has provided no evidence that she and Michalkiewicz were comparable in all other respects. Given this, no reasonable jury could infer from Sebert's participation in this lunch group that Hagen's sex is what motivated Sebert to transfer her to the elementary school.

Turning to her age discrimination claim, Hagen notes that Sebert invited Steinbarth to the lunch group around the same time he offered Steinbarth the high school principal position. According to Hagen, the temporal proximity of these events calls Sebert's stated reason for transferring her into doubt. And she cites *Wolf v. Buss (America) Inc.* for the proposition that "[t]here may be cases in which the multiple grounds offered by the defendant for the adverse action of which the plaintiff complains are so intertwined, or the pretextual character of one of them so fishy and suspicious, that the plaintiff could withstand summary judgment." 77 F.3d 914, 920 (7th Cir. 1996) (quotation marks omitted).

It is unclear how *Wolf* helps Hagen here, given that the District did not provide multiple reasons for her reassignment. Furthermore, "suspicious timing alone is rarely enough to survive summary judgment[,] particularly when there are reasonable, non-suspicious explanations for the timing" of the adverse employment action. *McCann v. Badger Mining Corp.*, 965 F.3d 578, 592 (7th Cir. 2020) (citation modified). Here, Hagen was reassigned after the 2016–17 school climate survey showed that her high school was still lagging behind the elementary and middle schools even after her three years as principal. There is nothing in the record that would render this explanation "fishy or suspicious."

Finally, Hagen asserts that Steinbarth's lack of qualification for the high school principal position is evidence that Sebert's explanation was pretext for discrimination. To be sure, by the time Sebert offered him the job, Steinbarth had worked for only one year as a middle school assistant principal, two years as an elementary school principal, and had no experience as an administrator at the high school level. Yet Hagen too lacked prior

No. 24-1688

Page 6

experience as a high school principal when Sebert first hired her for that position in 2014. Furthermore, unlike Hagen, Steinbarth had over fifteen years of experience within the District as a teacher. The differences in qualifications between Steinbarth and Hagen at their respective points of hiring are not significant enough to support an inference of pretext. *See Cunningham v. Austin*, 125 F.4th 783, 790 (7th Cir. 2025).

Furthermore, there is nothing in the record to suggest that Sebert did not sincerely believe in his rationale for reassigning Hagen. On the contrary, the record supports the District's position that Sebert reassigned Steinbarth to Hagen's former post because Steinbarth had proven himself to be effective in areas that required attention at the high school: culture and climate. Hagen struggled in these same areas, despite the additional support afforded her by the District. Given this, Hagen fails to meet her burden to present evidence of pretext under the *McDonnell Douglas* framework.

For substantially the same reasons, Hagen also fails to satisfy the *Ortiz* standard. Considered as a whole, the evidence would not allow a reasonable jury to conclude that Hagen's age was a "but for" cause of her reassignment or that her sex was a motivating factor in her reassignment. *See Igasaki*, 988 F.3d at 960; *Ortiz*, 834 F.3d at 765. The undisputed facts in the record show that Hagen was aware that the high school's climate was an area that the District hoped to improve when she was hired by Sebert in 2014. She received a rating of "Developing" in School Climate in her evaluations for the 2015–16 and 2016–17 school years. And the 2016–17 survey results demonstrated the lack of progress Hagen was making at the high school in this area.

By contrast, Steinbarth had not received any "Developing" or "Needs Improvement" ratings in his annual evaluations and had improved school climate ratings while serving as elementary school principal. Hagen has not pointed to any evidence in the record showing that Steinbarth was treated more favorably than her *because* of her age. Nor has she presented evidence showing that her sex was a motivating factor in Sebert's decision to reassign her to the elementary school.

The judgment of the district court is AFFIRMED.