

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Jecht Revan v. University of Denver Department of Campus Safety

Revan · No. 25-cv-00528-NYW-CYC · Decided February 11, 2026

SUMMARY

The United States District Court for the District of Colorado considers a partial motion to dismiss claims arising from alleged workplace harassment, discrimination, retaliation, and termination. The court dismisses the Colorado Anti-Discrimination Act claims without prejudice, denies dismissal of the Title VII discrimination claim insofar as it is based on a discriminatory failure to investigate, and grants dismissal of the portions based on termination threats and termination. The court also analyzes the Title VII hostile-work-environment claim under Rule 12(b)(6).

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Nina Y. Wang
JURISDICTION	United States District Court for the District of Colorado
DECIDED	February 11, 2026
DOCKET	25-cv-00528-NYW-CYC
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss all claims except the Title VII retaliation claim. The court granted the motion in part and denied it in part.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, views them in the light most favorable to the plaintiff, disregards labels and conclusory allegations, and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jecht Revan v. University of Denver Department of Campus Safety

TOPICS

- motions to dismiss
- hostile work environment
- title vii
- employment discrimination
- civil procedure

PRACTICE AREAS

employment law

civil rights

employment discrimination

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged a Title VII discrimination claim based on Sergeant Malott's refusal to investigate Revan's harassment complaint.
2. Whether Captain Hasty's alleged threats of termination constituted an actionable Title VII discrimination claim.
3. Whether Revan plausibly alleged discriminatory termination under Title VII.
4. Whether Revan plausibly alleged a Title VII hostile-work-environment claim.
5. Whether the Colorado Anti-Discrimination Act claims should be dismissed without prejudice based on Revan's concession that they could be dismissed.

HOLDINGS

1. A discriminatory failure to investigate may constitute an actionable adverse employment action when the failure causes harm concerning the terms or conditions of employment. Revan plausibly alleged such harm because the failure to investigate allegedly allowed further harassment that altered the conditions of his employment.
2. Revan failed to plausibly allege that Captain Hasty's threats of termination occurred under circumstances giving rise to an inference of race- or sex-based discrimination.
3. Revan failed to plausibly allege that his termination occurred under circumstances giving rise to an inference of race- or sex-based discrimination.
4. Revan plausibly alleged a Title VII hostile work environment based on pervasive discriminatory harassment.
5. Counts IV through VI, asserting Colorado Anti-Discrimination Act claims, were dismissed without prejudice.

KEY QUOTATIONS

“Thus, when an employer fails to investigate an employee’s complaint based on a discriminatory motive and that failure injures the employee as to the terms or conditions of his employment, the employee has suffered discrimination as defined in Muldrow.” (Analysis Part I.A)

“Viewing the allegations as a whole and in the light most favorable to Mr. Revan, the Court concludes that Mr. Revan has plausibly alleged a hostile work environment based on pervasive discriminatory harassment.” (Analysis Part II)

FACTUAL BACKGROUND

Jecht Revan, who alleged Native American, Israeli, and Jewish descent, worked for the University of Denver Department of Campus Safety and was terminated after an incident involving pepper spray. He alleged that

coworker Madison Carney repeatedly made race- and sex-based comments, made unwanted sexual advances, and asserted authority over him, while Sergeant Kimo Malott refused to investigate because Carney was young and female and command staff would not believe Revan. Revan also alleged that Captain Hasty threatened to fire him if he reported harassment to the campus Title IX office and threatened to damage his future security employment. The court treated the allegations as true for purposes of the motion and determined that some supported plausible Title VII claims.

PROCEDURAL HISTORY

Revan filed an operative First Amended Complaint asserting Title VII discrimination, retaliation, and hostile-work-environment claims, along with related claims under the Colorado Anti-Discrimination Act. The defendant moved for partial dismissal. The court dismissed the CADA claims without prejudice, dismissed portions of the Title VII discrimination claim without prejudice, allowed the discrimination claim to proceed based on an alleged discriminatory failure to investigate, and denied dismissal of the hostile-work-environment claim.

DISPOSITION

other

CASES CITED

- In re Qwest Communications International, Inc., 396 F. Supp. 2d 1178, 1203 (D. Colo. 2004)
- Rezac Livestock Commission Co. v. Pinnacle Bank, 255 F. Supp. 3d 1150, 1164 (D. Kan. 2017)
- Casanova v. Ulibarri, 595 F.3d 1120, 1124 (10th Cir. 2010)
- Smith v. United States, 561 F.3d 1090, 1098 (10th Cir. 2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 686 (2009)
- Forest Guardians v. Forsgren, 478 F.3d 1149, 1160 (10th Cir. 2007)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Khalik v. United Air Lines, 671 F.3d 1188, 1192 (10th Cir. 2012)
- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 511 (2002)
- Messina v. Kroblin Transportation Systems, Inc., 903 F.2d 1306, 1308 (10th Cir. 1990)
- McNellis v. Douglas County School District, 116 F.4th 1122, 1137, 1139 (10th Cir. 2024)
- Tabor v. Hilti, Inc., 703 F.3d 1206, 1216 (10th Cir. 2013)
- Fassbender v. Correct Care Solutions, LLC, 890 F.3d 875, 883 (10th Cir. 2018)
- Sanchez v. Denver Public Schools, 164 F.3d 527, 532 (10th Cir. 1998)
- Muldrow v. City of St. Louis, 601 U.S. 346, 354-55, 358-59 (2024)
- Scheer v. Sisters of Charity of Leavenworth Health System, Inc., 144 F.4th 1212, 1215-16 (10th Cir. 2025)
- Daniels v. United Parcel Service, Inc., 701 F.3d 620, 640-41 (10th Cir. 2012)
- Pearson v. Kansas Department of Corrections, No. 23-cv-02288-DDC, 2024 WL 4948884, at *18 (D. Kan. Dec. 3, 2024)

- Baird v. Gotbaum, 662 F.3d 1246, 1249 (D.C. Cir. 2011)
- Hawkins v. Anheuser-Busch, Inc., 517 F.3d 321, 348-49 (6th Cir. 2008)
- Throupe v. University of Denver, 988 F.3d 1243, 1251 (10th Cir. 2021)
- Cuenca v. University of Kansas, 265 F. Supp. 2d 1191, 1205 (D. Kan. 2003), aff'd, 101 F. App'x 782 (10th Cir. 2004)
- Dick v. Phone Directories Co., 397 F.3d 1256, 1268 (10th Cir. 2005)
- Duran v. Metro Treatment of Colorado, L.P., No. 18-cv-00547-PAB-GPG, 2019 WL 4450220, at *4 (D. Colo. Sept. 17, 2019)
- Kendrick v. Penske Transportation Services, Inc., 220 F.3d 1220, 1227 (10th Cir. 2000)
- Plotke v. White, 405 F.3d 1092, 1100-01 (10th Cir. 2005)
- Ibrahim v. Alliance for Sustainable Energy, LLC, 994 F.3d 1193, 1196 (10th Cir. 2021)
- Smothers v. Solvay Chemicals, Inc., 740 F.3d 530, 540 (10th Cir. 2014)
- Herrnreiter v. Chicago Housing Authority, 315 F.3d 742, 745 (7th Cir. 2002)
- Chea v. IHC Health Services, Inc., No. 1:21-cv-00073-TS-DAO, 2023 WL 22209, at *1, *3 (D. Utah Jan. 3, 2023)
- Orozco v. Selrico Services, Inc., No. 08-cv-00600-BB-CG, 2009 WL 10706755, at *4 (D.N.M. Nov. 24, 2009)
- Ford v. Jackson National Life Insurance Co., 45 F.4th 1202, 1227 (10th Cir. 2022)
- Morris v. City of Colorado Springs, 666 F.3d 654, 663-65 (10th Cir. 2012)
- Lounds v. Lincare, Inc., 812 F.3d 1208, 1222-23 (10th Cir. 2015)
- Faragher v. City of Boca Raton, 524 U.S. 775, 788 (1998)
- Russell v. Driscoll, 157 F.4th 1348, 1351 (10th Cir. 2025)
- Smith v. Northwest Financial Acceptance, Inc., 129 F.3d 1408, 1413, 1415 (10th Cir. 1997)
- Chavez v. New Mexico, 397 F.3d 826, 833-35 (10th Cir. 2005)
- Hernandez v. Valley View Hospital Association, 684 F.3d 950, 958 (10th Cir. 2012)
- Northwest Financial Acceptance, Inc., 129 F.3d 1408, 1415 (10th Cir. 1997)
- Clayton v. Dreamstyle Remodeling of Colorado, LLC, No. 20-cv-02096-KLM, 2022 WL 910957, at *11 (D. Colo. Mar. 28, 2022)
- Knight v. Mooring Capital Fund, LLC, 749 F.3d 1180, 1190 (10th Cir. 2014)

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