

Turpitude Guidance

Importance of Moral Turpitude

Title 92, *Nebraska Administrative Code*, Chapter 27 Section 004.021 requires educators to report acts of moral turpitude, felonies, and certain misdemeanors. As an educator, if you have sufficient cause to believe that an act of moral turpitude has occurred, you do have a duty to report that to the Commissioner of Education.

Even if the actions are not a crime, the behavior may still be an act of moral turpitude. Any educator that engages in sexual misconduct with a student, commits an act of moral turpitude. Such information must be reported to the Commissioner.

Please note that regardless of whether a criminal offense would or would not be categorized as “moral turpitude” all felonies must be reported to the Commissioner.

For more information about how to report to the Commissioner, [click here](#).

For more information about the specific crimes that are required by regulations, see Title 92, *Nebraska Administrative Code*, Chapter 21 Sections 003.12 through 003.14

What is Moral Turpitude?

Legal Definitions:

1. Conduct that is contrary to justice, honesty, or morality. In the area of legal ethics, offenses involving moral turpitude – such as fraud or breach of trust – traditionally make a person unfit to practice law. – also termed *moral depravity*.

Black’s Law Dictionary 1031-1031 (Bryan A. Garner ed., 8th ed., West 2004)



2. Anything demonstrating an immoral or unethical

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e. Turpitude is a base or corrupt act or condition that would cause others to shun the person who commits such an act or suffers from such a condition. The law frequently denominates certain acts and offenses as acts and offenses demonstrating moral turpitude.

Moral turpitude is a condition of an act or omission that is unjust, dishonest, or immoral. Moral turpitude includes both action and inaction that violates a trust or amounts to dishonesty; conduct that demonstrates a disregard for the safety and interests of others; and both conduct and inaction that amounts to a failure of duty by a fiduciary or public official who is responsible for the safety or security of others and who fails to make a good faith effort to provide such security.”

*The Wolters Kluwer Bouvier Law Dictionary
Desk Edition Turpitude (Moral Turpitude)
(Stephen Michael Sheppard, 2012 Edition, CCH
Incorporated, 2012)*

As you can see from the above definitions, the terms “moral turpitude” and “immoral” acts are terms that are often used interchangeably.

Crimes often considered crimes of moral turpitude:

- murder
- trafficking of any kind



- domestic violence

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- assault
- fraud
- arson
- burglary
- extortion
- pandering
- fraud
- malicious destruction of property
- robbery
- knowingly transporting stolen property
- conspiracy, attempt, or being an accessory to any crime contained herein

- voluntary manslaughter
- sexual assault of any type or class
- child abuse
- kidnapping
- animal abuse
- perjury
- blackmail
- embezzlement
- prostitution
- forgery
- larceny
- receiving stolen goods
- theft



- contributing to the delinquency of a minor

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Generally speaking, felonies are often considered crimes of moral turpitude but just because a crime is classed as a misdemeanor does not necessarily eliminate it from being considered a crime of moral turpitude.

However, please note that a determination of moral turpitude is fact specific and therefore not every crime list in every circumstance will be a crime of moral turpitude.

What is not moral turpitude?

The following is a list of crimes that are unlikely to be considered crimes of moral turpitude:

- any crime involving a traffic offense would not likely be a crime of moral turpitude
- crimes that are considered “infractions” like littering, open container, fishing without a license and jay walking
- disturbing the peace
- disorderly conduct
- possession of marijuana
- graffiti
- trespass
- obstructing government operations



How the Courts have interpreted

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moral turpitude:

Selling intoxicating liquor in your own home was not a crime of moral turpitude. *Bartos v. United States Dist. Court*, 19 F.2d 722 at 725 (8th Cir. 1927).

Using an offensive racial slur in a classroom is immoral and sufficient grounds to discharge a teacher. *Clark v. Board of Education*, 215 Neb. 250, 338 N.W.2d 272 (Neb. 1983).

A chiropractor's conduct was "grossly immoral or dishonorable" making him unfit to practice after his conviction for unlawful distribution of "potentially dangerous drugs, as well as his lack of candor" under the relevant statute for his profession. *Poor v. State*, 266 Neb. 183, 663 N.W.2d 109 (Neb. 2003).

A teacher's conduct of indecent exposure was found to be an act of moral turpitude. *Gomez v. Tex. Educ. Agency*, 354 S.W.3d 905, (Tex. App 2011).

A teacher sending threatening anonymous letters to his superintendent in retaliation may be considered immoral under that state's statute to revoke that teacher's certificate. *Richardson v. N.C. Dept of Pub. Instruction Licensure Section*, 199 N.C. App. 219, 681 S.E.2d 479, (N.C. App. 2009).

Crimes of burglary and theft are crimes of moral turpitude and therefore a person's teaching certificate was properly suspended for immorality. *Hainline v. Bond*, 250 Kan. 217, 824 P.2d 959 (Kan. 1992).



A teacher's certificate was properly suspended for 2 years for **508 HELPER** misconduct after striking an easel with a yardstick several times near a special education student and otherwise administering inappropriate discipline. *Terkosky v. Ind. Dep't of Educ.*, 996 N.E.2d 832 (Ind. App. 2013).

Nebraska Professional Practices Cases

For information about prior NPPC Cases, please [use this link](#).

For further guidance or information:

If you have further questions about whether specific acts would be considered moral turpitude, please contact your own legal counsel.

These guidance documents are advisory in nature but are binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that these guidance documents impose additional requirements or penalties on regulated parties, you may request a review of the document. For comments regarding these documents contact nde.guidance@nebraska.gov



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