Ethics in Action

Georgia Planning Association
2010 Spring Conference
WHAT IS PART C OF THE AICP CODE OF ETHICS AND PROFESSIONAL CONDUCT?

AICP Ethics Session
2010 GPA Spring Conference
Macon, GA
AICP Ethics Session

- Agenda
  - Review of Part C
  - Ethics Scenarios
  - Ethics Skit with Audience Voting
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Organized into Three Sections:

- Section A: Principles to Which We Aspire
- Section B: Our Rules of Conduct - Enforceable Standards
- Section C: Our Rules of Procedure
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Section A: Principles to Which We Aspire

Our Responsibility to...

- **Public** - provide information, opportunity for public input, advocacy, equity and fairness.

- **Clients & Employers** - professional judgment, avoid conflict of interest.

- **Profession** - Enhance integrity, fairness to other planners, contribute time to young professionals and students, continuing education.
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- **Section B: Our Rules of Conduct**
  - **Style** - “We Shall Not...”
  - **List of Twenty-five (25) Rules** – **Enforceable Standards**
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Section C: Our Rules of Procedure

1) Obtaining Formal or Informal advisory ethics ruling

2) How a charge of misconduct is filed, investigated, prosecuted and adjudicated
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Section C: Our Rules of Procedure

- Informal Advice
  - Only AICP Ethics Officer is authorized
  - Non-Binding
  - Not in Writing
  - May be retained by AICP Ethics Committee in case of charge of misconduct is later filed
  - Twenty-one (21) Days Response Time Limit
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Section C: Our Rules of Procedure

- **Formal Advice**
  - Only AICP Ethics Officer is authorized
  - Request must be in writing
  - Binding from AICP Ethics Officer
  - Advice is not issued if inquiry concerns past action that should be the subject of a charge of misconduct
  - Otherwise, response will be provided in Writing
  - Following the advice provides a line of defense
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Filing a Charge of Misconduct

- May be filed by any person against any AICP planner
- Write a letter to Ethics Officer (signed or anonymous) - fully document the person, the misconduct, and the rule that was violated
- Do not communicate with the accused – (‘respondent’) or discuss with others
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Responses and Investigation

- Ethics Officer notifies the ‘Respondent’ within two weeks and provides documentation.
- The Ethics Officer has two options:
  - Instruct the Respondent to file a preliminary response to the Ethics Officer (in 30 days).
  - Dismiss if EO does not find basis for a charge but the Charging Party has right to appeal dismissal of charges by writing to the Ethics Committee within 30 days—may be reversed.
Responses and Investigation (cont’d)

- A Planner charged with misconduct and asked to file a preliminary response should seek legal counsel.
- Preliminary response includes documentation of all facts, events and arguments the counter the charge.
- Failure to respond in 30 days is considered failure to cooperate – expect consequences.
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Responses and Investigation (cont’d)

- Ethics Officer may appoint AICP staff or legal counsel to conduct an investigation

- Respondent must cooperate and encourage others with pertinent information to come forward, whether favorable or unfavorable
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Responses and Investigation (cont’d)

- If charge is without merit, EO writes both parties and explains why
- EO may seek a private settlement between the Charging Party and Respondent
- Otherwise, EO drafts a Complaint and sends to Respondent by Certified Mail
- Complaint enumerates facts and violations, citing Rules of Conduct that were violated
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Hearings, Decisions and Settlement

- Hearing is required if material facts are in dispute
- A Hearing Official is designated from among the Ethics Committee members
- EO transmits a “Notice of Hearing” to the Respondent and an identified Charging Party, citing the disputed facts – Hearing set near the site of the incident
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Hearings, Decisions and Settlement

- Hearing to address the disputed facts
- Witness list required of both EO and Respondent – witnesses appear in person or video tape
- EO may present witness testimony or other evidence regarding disputed fact
- Respondent may present witness testimony or other evidence in rebuttal; EO rebuts
Hearings, Decisions and Settlement

- Ethics Officer and Respondent have 21 days to submit summary of their positions.
- Final decision is made by the Ethics Committee based on documentation.
- All parties are notified of the decision with an explanation.
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Three (3) Levels of Action in Code of Ethics

- Reprimand
- Suspension from AICP
- Expelled from AICP
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Section C: Our Rules of Procedure

Section 16 – Resignation or Membership Lapse
During an Ethics Charge and Investigation, i.e.

Resignation to “Avoid” Answering Ethics Charges

- If Planner Applies for Reinstatement within two (2) years, Ethics Matter is Revived
- If Planner does not Apply for Reinstatement within two (2) years, Planner may not Reapply for Certification for ten (10) years.
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Advisory Rulings

- Important and Recurring
- Incorporated into the Code:
  1. Sexual Harassment
  2. Conflict of Interest
  3. Moonlighting
  4. Providing Full Information
  5. Duties to Help Enforce Code
  6. Disclosure (VERY Important)
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Sources

- APA Website, Code of Ethics: www.planning.org/ethics/conduct.html
- Certified Planners and Ethics, by Paul Farmer, FAICP: www.planning.org/ethics/pdf/farmeraddress.pdf
Audience Comments and Questions!