AICP CODE OF ETHICS

AICP Exam Review Session
February 4, 2012
Georgia Tech, Atlanta
AICP Exam Review

Agenda

- Introduction to AICP Code of Ethics
- Discussion and Questions

Code of Ethics = 5% of Exam
AICP Code of Ethics

Introduction

- Many professions have codes of ethics
- Unique to planners is the “Public Interest”
- State and local government employees usually have ethics responsibilities and local laws
- Possible conflicts between AICP and local ethics
- Possible conflicts with dual specialists, i.e. Lawyers
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- Professional Development Survey - 2006
- Georgia Chapter APA
- Results presented for 20 topics/training
- Top 3: Land Use, Growth Management, Land Use Law
- Bottom 3: Eminent Domain, Ethics, Solid Waste Management
- Not high on everyone’s agenda, but very important
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- Code of Ethics – Revised in 2005
  - 1\textsuperscript{st} Revision since original 1978 Adoption
  - Became Effective June 1, 2005
  - AICP Exam questions are based on this version of Code of Ethics
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Why Revise Code of Ethics?

- Main point of confusion was between Aspirational and Enforceable Standards
  - Reorganized the Code
  - Separate these two categories of Standards

- Clarification of Procedures for Administration
  - Clearly States the Process to File a Charge
  - Establishes Time Limits for Responses and Action
  - Appointment of an Ethics Officer = APA Executive Director
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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
- Review this List for AICP Exam
Section B: Rules of Conduct

- Provide adequate, timely, clear, accurate info
- Not accept illegal or unethical work
- Don’t advocate against a prior position of one’s own (except under conditions)
- Moonlight only with disclosure and permission
- Keep confidential info confidential (except under conditions)
- No ex parte communication, if illegal
- No sunshine violations, if illegal
- Don’t misrepresent credentials
- Don’t imply improper influence
Section B: Rules of Conduct

- Work only within competence; don’t promise unachievable time or results
- Don’t plagiarize
- Don’t discriminate illegally
- Don’t retaliate or threaten retaliation against a person who has filed a charge of ethical misconduct against us.
- Don’t threaten to file an ethics charge in order to gain, or attempt to gain, an advantage in dealings with another planner.
- Don’t file frivolous charge of ethical misconduct against another planner.
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Key Tensions:

- Client loyalty vs. Public interest
  - Information availability
  - Objectives prioritization
  - Development vs. Environment/Equity

- Personal/Professional advantage vs. Client interests
  - Results
  - Recommendations
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Section C: Our Rules of Procedure

Informal Advice
- Non-Binding
- Not in Writing

Formal Advice
- Binding from AICP Ethics Officer
- Provided in Writing
- Twenty-one (21) Days Response Time Limit
Section C: Rules of Procedure

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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Section C: Our Rules of Procedure

Section 16

- Regarding 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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Section C: Our Rules of Procedure

Responses, Investigation, Hearings, Decisions and Settlement

Each is Assigned Specific Time Limits

Roles and Responsibilities of:

- Charging Party
- Respondent
- AICP Ethics Officer = APA Executive Director
- AICP Ethics Committee
- AICP Commission
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Filing a Charge of Misconduct

- AICP Ethics Officer Receives Charge
- Ten (10) days to Transmit to the Certified Planner – the “Respondent”
- Right of Counsel – Clearly Stated
Three (3) Levels of Action in Code of Ethics

- Reprimand
- Suspension from AICP
- Expelled from AICP
Ethics Cases During 2005

- **7 Total Cases**
  - 2 Cases Resolved
    - 1 Complaint Resolved by Settlement Agreement Reached by Ethics Committee and Respondent
    - 1 Complaint Resolved by Court Approved Settlement Agreement
  - 5 Cases Pending
    - 3 Charges Under Review by Ethics Officer
    - 1 Charge Pending Charging Party's Submission of Additional Information
    - 1 Charge Pending Response from Respondent
Ethics Cases During 2006

- **9 Total Cases**
- **4 Cases Resolved**
  - 2 Charges Settled by Agreement Between Charging Parties and Respondents
  - 1 Charge Dismissed
  - 1 Member Reinstatement
- **5 Cases Pending**
  - 3 Charges Under Review by Ethics Officer
  - 1 Charge Pending Charging Party’s Submission of Additional Information
  - 1 Charge Pending Response from Respondent
Ethics Cases During 2007

- 12 Total Cases
- 6 Cases Resolved
  - 5 Charges Dismissed and NotAppealed
  - 1 Anonymous Charge Dismissed
- 6 Cases Pending
  - 2 Charges Under Review by Ethics Officer
  - 2 Charges Pending Response from Charging Party
  - 1 Charge Pending Respondent's Submission of Additional Information
  - 1 Charge Pending Investigation
Ethics Cases During 2008

- **15 Total Cases**
- **10 Cases Resolved**
  - 4 Charges Dismissed and Not Appealed
  - 2 Anonymous Charges Dismissed
  - 1 Charge Settled
  - 1 Respondent Resigned
  - 1 Respondent's Membership Lapsed
  - 1 Respondent Died
- **5 Cases Pending**
  - 1 Charge Pending Investigation
  - 1 Complaint Pending Respondent's Cooperation
  - 1 Complaint Pending Review
  - 2 Charges Appealed
Ethics Cases During 2009

- 11 Total Cases
- 9 Cases Resolved
  - 4 Cases Dismissed
  - 1 Charge Withdrawn
  - 2 Respondents' Membership Lapsed
  - 2 Appealed Case Dismissals Upheld
- 2 Cases Pending
  - 1 Charge Under Review
  - 1 Complaint Under Review
Ethics Cases During 2010

- 4 Total Cases
- 2 Cases Resolved
  - 2 Cases Dismissed
- 2 Cases Pending
  - 1 Charge Under Review
  - 1 Complaint Under Review
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On AICP Exam, Ethics will likely have situational questions (Ethical Scenarios)

- Best answer will be how the AICP Code of Ethics would address the situation

- NOT how your boss or employer or professor or parents might want you to handle the situation
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Study Procedural Guidelines

There **WILL** likely be questions on the AICP Exam that deal with Procedures under the Code
- Informal Advice
- Formal Charges

Know the Roles of:
- AICP Ethics Officer = APA Executive Director
- AICP Ethics Committee
- AICP Commission
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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
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Questions About AICP Code of Ethics and Professional Conduct?

Thank You and Good Luck!