

# **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

# AICP Code of Ethics

---

- 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

# AICP Code of Ethics

---

- **Code of Ethics – Revised in 2005**
  - 1<sup>st</sup> Revision since original 1978 Adoption
  - Became Effective June 1, 2005
  - AICP Exam questions are based on this version of Code of Ethics

# AICP Code of Ethics

---

## ■ 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

# AICP Code of Ethics

---

## **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**

# AICP Code of Ethics

---

## ■ 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.



# AICP Code of Ethics

---

- **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.

# AICP Code of Ethics

---

## Key Tensions:

- **Client loyalty vs. Public interest**
  - Information availability
  - Objectives prioritization
  - Development vs. Environment/Equity
- **Personal/Professional advantage vs. Client interests**
  - Results
  - Recommendations

# AICP Code of Ethics

---

- **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)

# AICP Code of Ethics

---

## ■ 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.

# AICP Code of Ethics

---

- **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



# AICP Code of Ethics

---

- **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

# AICP Code of Ethics

---

- **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 Not Appealed
  - 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



# AICP Code of Ethics

---

- **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

# AICP Code of Ethics

---

## ■ 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

# AICP Code of Ethics

---

## ■ Sources

- “Everyday Ethics for Practicing Planners”, by Carol D. Barrett, FAICP, 2001, APA Press
- APA Website, Code of Ethics:  
[www.planning.org/ethics/conduct.html](http://www.planning.org/ethics/conduct.html)
- Certified Planners and Ethics, by Paul Farmer, FAICP:  
[www.planning.org/ethics/pdf/farmeraddress.pdf](http://www.planning.org/ethics/pdf/farmeraddress.pdf)

# AICP Exam Review

---

- **Questions About AICP Code of Ethics and Professional Conduct?**

**Thank You and Good Luck!**