

2017 Spring AICP Exam Review

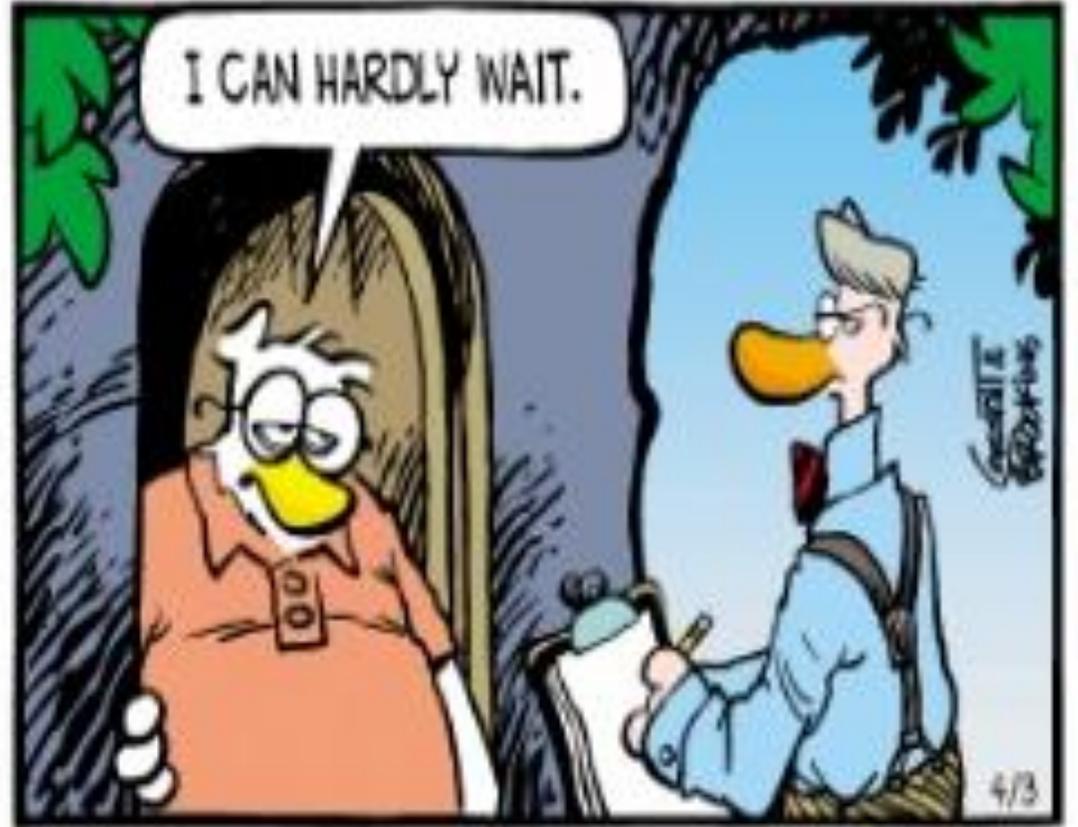
AICP Code of Ethics and Professional Conduct

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Making Great Communities Happen



Questions likely to be situational...

- Best answers will focus on the Code...
- NOT on how your boss or client might want you to handle the situation.

- Deontological Ethics
 - Concerned with the rightness of an act itself.
 - Moral rights and duties (e.g. Ten Commandments)
 - Kant's principle of humanity (treat humanity never as a means but always as an end)
 - Tend to the procedural (being fair, telling the truth, avoiding conflict of interest, not stealing, no plagiarism, equal opportunity)
- Consequentialist Ethics (Teleological Ethics)
 - Concerned with the goodness of the consequences of action.
 - e.g.. utilitarianism ("greatest good to the greatest number"; balance of pleasure over pain)
 - Often involve the Public Interest (economic efficiency, environmental protection, collective goods provision, public welfare, equity, redistribution).

Deontological

- Adequate, timely, clear information
- Illegal actions
- Advocate adverse to previous position
- Moonlighting/accepting outside gain
- Ex parte communication
- Misrepresent qualifications
- No work outside areas of competence

Consequentialist

- Concern for long range consequences
- Expand choice and opportunity for all persons
- Promote excellence of design
- Conscious of rights *of others*
- *Endeavor to conserve* natural environment

Section A contains a statement of *aspirational principles* that constitute the ideals to which we are committed. We shall strive to act in accordance with our stated principles. However, an allegation that we failed to achieve our aspirational principles cannot be the subject of a misconduct charge or be a cause for disciplinary action.

Section B contains *rules of conduct* to which we are held accountable. If we violate any of these rules, we can be the object of a charge of misconduct and shall have the responsibility of responding to and cooperating with the investigation and enforcement procedures. If we are found to be blameworthy by the AICP Ethics Committee, we shall be subject to the imposition of sanctions that may include loss of our certification.

Deontological
(all here are Rules of Conduct)

- Adequate, timely, clear information
- Illegal actions
- Advocate adverse to previous position
- Moonlighting/accepting outside gain
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- Misrepresent qualifications
- No work outside areas of competence

Consequentialist: (all here are aspirational principles)

- Concern for long range consequences
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2005 Code Revisions

...the new code distinguishes between principles and rules, but it appears that the AICPA only intends to hold members accountable to the rules section. Reportedly, the legal world demanded enforcement clarity. The "Principles to Which We Aspire" are still there, of course, some expanded, some strengthened, and some watered down. The planner's primary obligation to the public interest is still a guiding principle, but not a rule. The AICPA has also weighed in on finding an ethical balance. In those hopefully rare cases when the rules conflict with the principles, I feel that I must advise students intending to join the AICPA to follow the rules. Presumably, the new code still holds the power to inspire, although it won't be in quite the same elegant way that the old code did. I miss it already.

Sarah Jo Peterson

Rules I

- 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
- No corruption
- Keep confidential info confidential
- No *ex parte* communication, if illegal
- No sunshine violations, if illegal

Rules II

- Don't misrepresent credentials
- Don't imply improper influence
- Work only within competence; don't promise unachievable time or results
- Don't plagiarize
- Don't push others to over-reach from data
- Disclose client's interests
- Don't discriminate illegally
- Be honest and forthcoming with Ethics Committee

Rules III

- Don't retaliate against those bringing ethics charges
- Don't use threat of ethics charge to gain advantage
- Don't make frivolous ethics charges
- Don't deliberately commit wrongful acts not specified
- Notify AICP Ethics Officer if you are convicted of a 'serious crime'

Aspirational Principles

1. Overall Responsibility to the Public
2. Responsibility to Clients and Employers
3. Responsibility to Our Profession and Colleagues

Aspirational Principles

1. Overall Responsibility to the Public

Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge.

Responsibility to the Public

- Conscious of rights of others
- Concern for long-range consequences
- Attend to interrelatedness of decisions
- Timely, adequate, clear, accurate info
- Give people meaningful opportunity
- Seek social justice
- Promote excellence of design; preserve natural and built environment
- Deal fairly with participants

Responsibility to Our Clients and Employers

- Independent professional judgment
- Accept decisions of clients/employers
 - Except if illegal or inconsistent with public interest
- Avoid conflict of interest or even appearance of conflict of interest

Responsibility to Our Profession and Colleagues

- Protect integrity of profession
- Educate public about planning
- Fairly comment on other professionals' work
- Share results of experience and research
- Not accept customary approaches without establishing appropriateness
- Contribute to prof development of others
- Increase opportunity of underrepresented to become planners and to advance in profession
- Enhance our education
- Critically analyze ethical issues in practice
- Contribute to voluntary professional activities

Key Tensions

- Client loyalty v. public interest
 - Research design
 - Information availability
 - Objectives prioritization
 - Development v. environment/equity
- Personal advantage v. client interests
 - Replication of work
 - Changed recommendations

Rules of Procedure

- Informal Advice
 - Non-binding
 - Oral: Not in writing
- Formal Advice
 - Binding; from AICP Ethics Committee
 - May not concern past actions
 - Provided in writing (published or not)
 - 90 day response time limit
 - May originate from the Committee (must be published)

Rules of Procedure

- Filing a charge of misconduct
 - Submitted to AICP Ethics Officer (must be signed)
 - 30 days to submit to the named AICP member; the “Respondent”
 - 30 days for member to respond.
 - 14 days for Complainant to comment
 - 15 days to provide requested info
 - Settlement is possible.
- Decision
 - Hearing may be called by Ethics Officer
 - Decision by Ethics Officer
 - Can result in:
 - Letter of admonition
 - Public reprimand
 - Suspension of AICP membership
 - Expulsion from AICP

Rules of Procedure

- Appeal
 - Either complainant or respondent may appeal
 - 30 days for notice of appeal; further 14 days for statement of appeal
 - 30 days for other party to respond
 - Decision by Ethics Committee.

AICP Code of Ethics

- Advisory rulings:
 - Sexual harassment
 - Conflict of interest
 - Moonlighting
 - Providing full information
 - Duties to help enforce code
 - Disclosure (“very important”)

Study procedure!

- There will likely be exam questions that deal with procedures (informal advice/formal charges).
- Know the roles of:
 - AICP Ethics Officer
 - AICP Ethics Commission
 - AICP Commission

2015 Report from the Committee

- 13 total cases
 - 4 dismissed
 - 4 settled
 - 2 under review
 - 3 in abeyance (AICP credential dropped)
- Ethics Committee Actions
 - Prepared draft revisions to Code (to AICP Comm.)
 - Reversed dismissal of a case by the Ethics Officer
- Informal Advice
 - 40 total

References

- Jerry Weitz, FAICP. *The Ethical Planning Practitioner*. APA Planners Press, 2016.
- Carol Barrett, FAICP. *Everyday Ethics for Practical Planners*. APA Planners Press, 2001.
- Elizabeth Howe. *Acting on Ethics in City Planning*. Transaction Press, 1994.
- AICP Code of Ethics. <https://www.planning.org/ethics/ethicscode.htm>

Ethics and Professional Conduct

QUESTIONS?