

2018 Spring AICP Exam Review

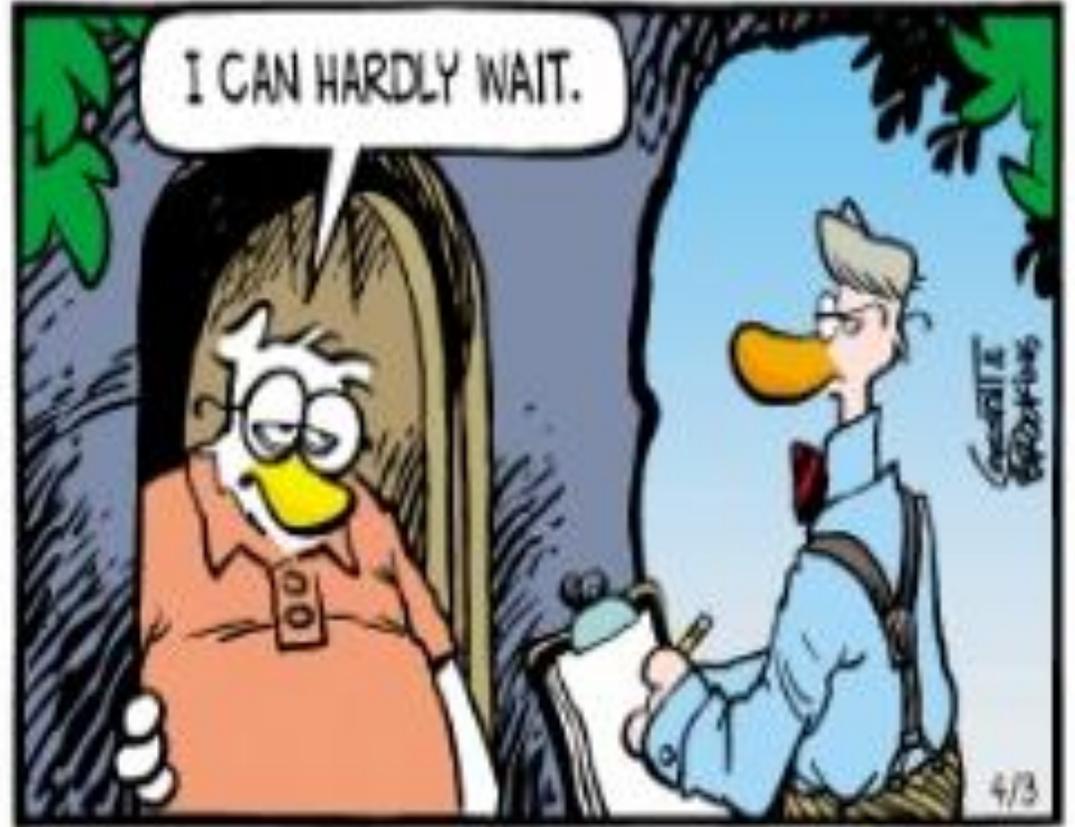
AICP Code of Ethics and Professional Conduct

Gary A. Cornell, FAICP



American Planning Association
Georgia Chapter

Making Great Communities Happen



Common Situations Involving Professional Ethics

- Conflicts of Interest and the perception thereof
- Personal or financial gain
- Social Justice/ needs of the disadvantaged
- Defining the “Public Interest”
- Interrelatedness and long-range consequences of decisions
- Professional Integrity

**Truthfulness/
Trustworthiness**

**Consistency/
Predictability**

Four Corners of Integrity

**Legitimacy/
Accountability**

**Impartiality/
Objectivity**

AICP Code of Ethics Relationship to External Codes



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.

AICP Code of Ethics and Professional Conduct

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.

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.

1. 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

Aspirational Principles

2. Responsibility to Our Clients and Employers

We owe diligent, creative, and competent performance of the work we do in pursuit of our client or employer's interest. Such performance, however, shall always be consistent with our faithful service to the public interest.

2. 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

Aspirational Principles

3. Responsibility to Our Profession and Colleagues

We shall contribute to the development of, and respect for, our profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.

3. 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*

Rules I

1. Provide adequate, timely, clear, accurate info
2. Don't accept assignment to do illegal or unethical work
3. Don't advocate against a prior position of one's own (except under conditions)
4. Moonlighting only permitted with disclosure and permission
5. Accept no compensation that undermines our public responsibility
6. Do not work on projects that could result in a financial gain for yourself without disclosure of the potential conflict of interest.
7. Keep confidential info confidential
8. No *ex parte* communication, if illegal in your jurisdiction
9. No sunshine violations, if illegal in your jurisdiction

Rules II

10. Don't misrepresent credentials, views or findings of others.
11. Don't gain work through false claims, harassment, or duress.
12. Don't misrepresent our own credentials or qualifications.
13. Don't sell influence of public decisions by improper means.
14. Don't use your office for special personal advantage or gain.
15. Work only within your own area of competence.
16. Don't promise unachievable time or results.
17. Don't plagiarize
18. Don't push others to over-reach from data

Rules III

19. Don't fail to disclose your client's interests.
20. Don't discriminate illegally.
21. Be honest and forthcoming with Ethics Committee
22. Don't retaliate against those bringing ethics charges
23. Don't use threat of ethics charge to gain advantage
24. Don't make frivolous ethics charges
25. Don't deliberately commit wrongful acts not specified
26. Notify AICP Ethics Officer if you are convicted of a 'serious crime'

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

C. Advisory Opinions

- Informal Advice from Ethics Officer
 - Non-binding, available to anyone, not just AICP members
 - Oral: Not in writing
- Formal Advisory Opinion
 - Binding; from AICP Ethics Committee, only for AICP members
 - Requires documentation of relevant facts
 - Provided in writing (published or not)
 - 90 day response time limit
 - May not concern questions about past actions
 - Committee may decline to provide the opinion without explanation
- AICP Commission to publish annual report on ethics matters

D. Adjudication of Complaints of Misconduct

- Filing a complaint (by anyone against an AICP member)
 - Submitted to AICP Ethics Officer (must be signed and on form found on website)
 - 30 days for Preliminary Review – complaint may be dismissed or confirmed
 - 30 days to notify the named AICP member, “the Respondent”, if complaint is confirmed
 - 30 days for accused member to respond.
 - 14 days for Complainant to comment
 - 15 days for Complainant and Respondent to provide any additional requested info
 - Settlement is possible.
- Decision
 - In no settlement, a Ethics Officer may render decision or call for a Hearing
 - Decision by Ethics Officer can result in:
 - Letter of admonition
 - Public reprimand
 - Suspension of AICP membership
 - Permanent expulsion from AICP

Appeals

- 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.

E. Discipline of Members

AICP Members are subject to disciplinary action for:

- AICP Membership is revoked upon conviction of a “serious crime”
 - False swearing, fraud, income tax evasion, bribery, extortion, theft or battery
- Conviction of other crimes may result in disciplinary action per Ethics Committee
 - Disciplinary action is subject to appeal by member
- Ruling of unethical conduct by Ethics Officer or Ethics Committee
- Loss, suspension of state professional license for improper conduct
- Failure to disclose to AICP any of the above offenses
- Any other action AICP Ethics Committee deems to be inconsistent with professional responsibilities of an AICP member – e.g. perjury, defamation, copyright violation
- Duty to Notify Ethics Officer
- Petition for Reinstatement

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

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?