

2019 Spring AICP Exam Review

AICP Code of Ethics and Professional Conduct

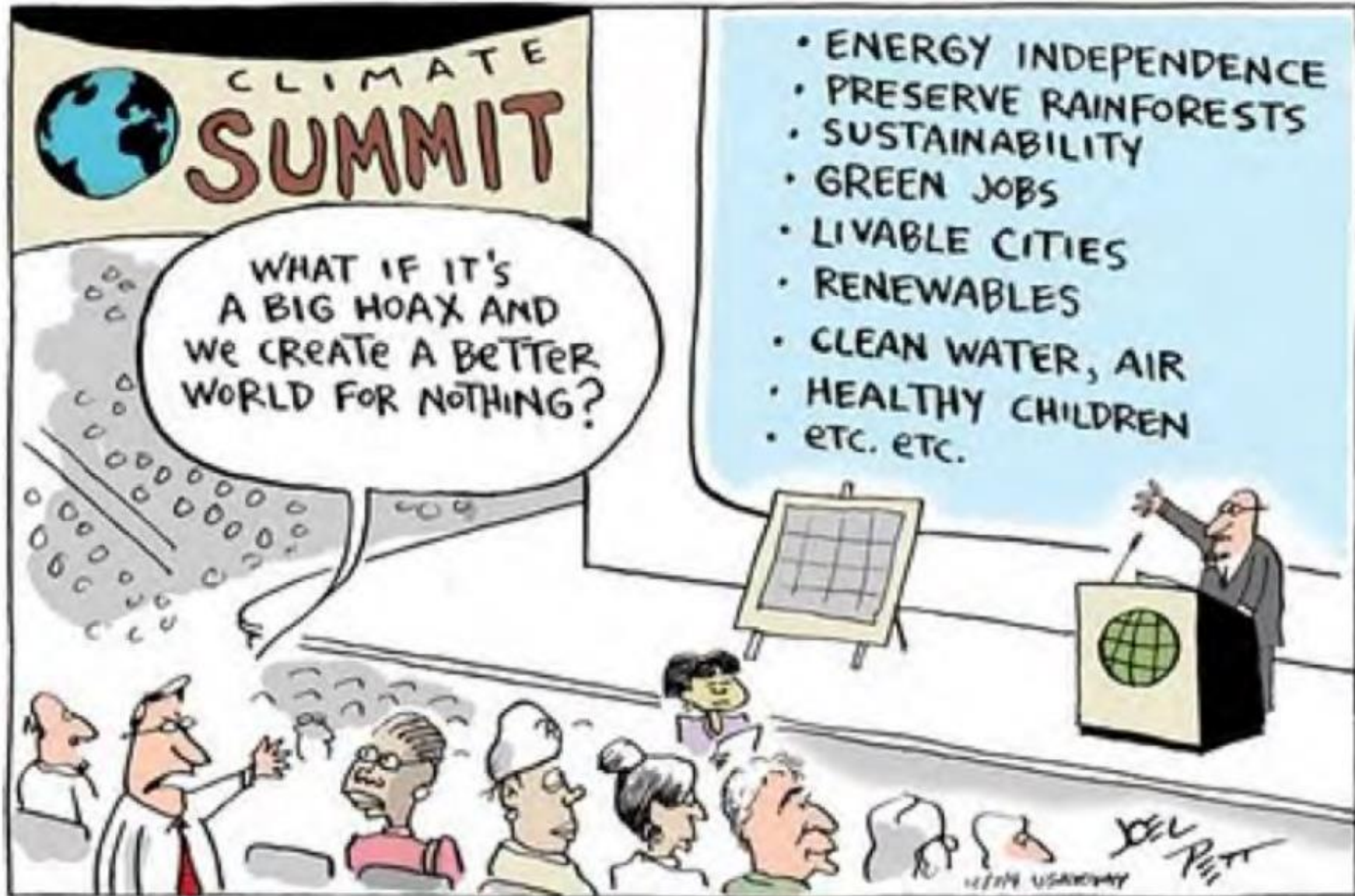
Gary A. Cornell, FAICP

With acknowledgement to Dr. Bruce Stiftel, FAICP



American Planning Association
Georgia Chapter

Making Great Communities Happen



CLIMATE SUMMIT

WHAT IF IT'S A BIG HOAX AND WE CREATE A BETTER WORLD FOR NOTHING?

- ENERGY INDEPENDENCE
- PRESERVE RAINFORESTS
- SUSTAINABILITY
- GREEN JOBS
- LIVABLE CITIES
- RENEWABLES
- CLEAN WATER, AIR
- HEALTHY CHILDREN
- ETC. ETC.



YOUNG RITT
WITH USARWAY



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.

Conceptual Outline of AICP Code of Ethics and Professional Conduct

Section A - Aspirational Principles

- 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 B- Rules of Conduct

- 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

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 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'

Questions likely to be situational...

- Best answers will focus on documented facts of planners' behavior and direct application of the Code...
- NOT on hypothetical situations, and
- NOT on how your boss or client might want you to handle the situation!

Don't forget to 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

AICP Code of Ethics and Professional Conduct

Rules of Procedure

Section C contains procedures for obtaining **formal and informal Advisory Opinions**.

Section D contains procedures for **adjudication of ethics complaints and appeals**.

Section E discusses procedures for **disciplining members**.

Rules of Procedure, Section C

- 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)

AICP Code of Ethics

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

Rules of Procedure, Section D

- 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
 - Seek a Settlement, if 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 form AICP

Rules of Procedure, Section D (continued)

- 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.

Rules of Procedure, Section E

- Forms of Discipline may apply in cases of:
 - Finding by Ethics Officer or Ethics Committee of unethical behavior
 - Loss or restriction of a state professional license
 - Conviction of certain crimes
 - Failure to disclose conviction of a serious crime or license forfeiture
 - Other conduct inconsistent with responsibilities of a Certified Planner
- Forms of Discipline include:
 - letters of admonition
 - public letters of censure, and
 - revocation of membership in AICP.

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?

Sample Question

55. Where would you file a charge of misconduct against an AICP member?

- A. The local chapter of the American Planning Association
- B. The Ethics Officer designated by the AICP Commission
- C. The President of the American Planning Association
- D. The President of the American Institute of Certified Planners

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Sample Question

57. The city's planning director resigned his position to pursue a career with a small consulting firm. Fed up with one of the planning board's members, a recalcitrant obstructionist, he ran against her in the next public election for the planning board. He beat her decisively. Which of the following choices apply?

- A. Definitely violates the AICP Code of Ethics and Professional Conduct
- B. Possibly violates the AICP Code of Ethics and Professional Conduct
- C. Does not violate the AICP Code of Ethics and Professional Conduct
- D. Insufficient information to respond

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Sample Question

58. The Rules of Conduct of the AICPA Code include the following:

- I. We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.
 - II. We shall not seek employment for which we are not competent to perform, including elective public office.
 - III. We shall deal fairly with all participants in the planning process. Those of us who are public officials or employees shall also deal evenhandedly with all planning process participants.
 - IV. We shall not file a frivolous charge of ethical misconduct against another planner.
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- A. I, III
 - B. I, IV
 - C. I, III, IV
 - D. I, II, III, IV

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11. The Rules of Conduct of the AICP Code state: “We shall not accept an assignment from a client or employer to publicly advocate a position on a planning issue that is indistinguishably adverse to a position we publicly advocated for a previous client or employer within the past three years unless...”

- A. Our latest opinion agrees with the official position of the American Planning Association.
- B. We consult with other qualified professionals, and then determine in good faith that our change of position will not cause present detriment to our previous client or employer.
- C. We pay the previous client to sign an affidavit releasing the planner from the previously stated position and agreeing with the revised position.
- D. We make full written disclosure of the conflict to our current client or employer and receive written permission to proceed with the assignment.
- E. Only 2 and 4 of the above.

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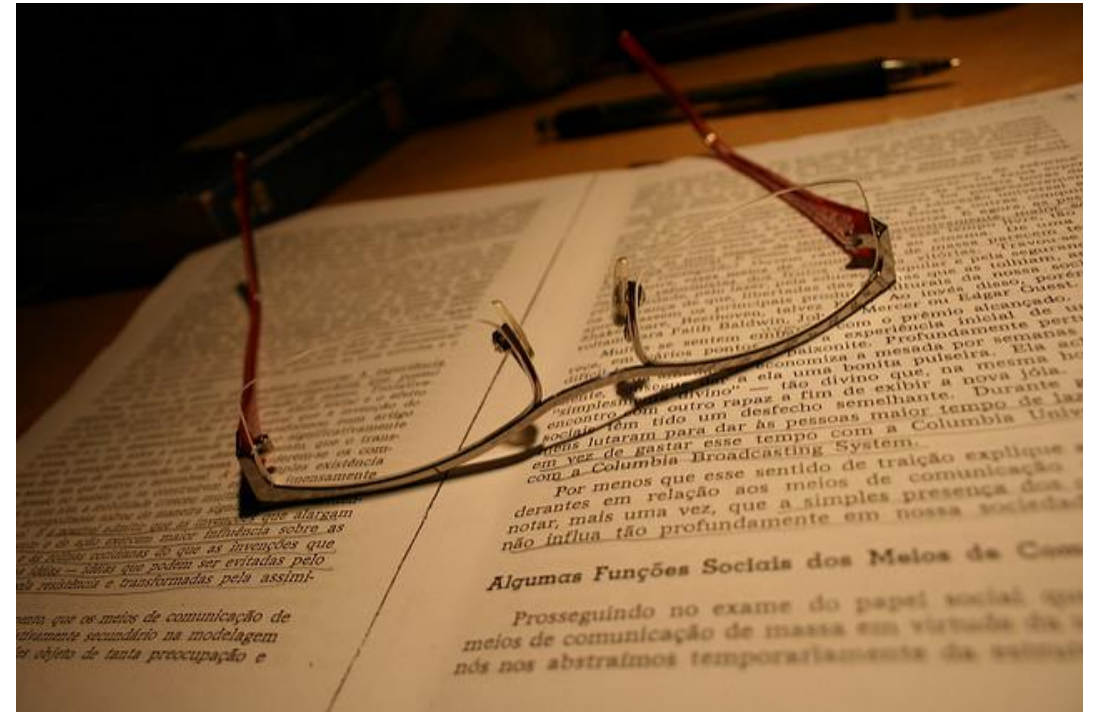
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KEEP
CALM
AND
STUDY
HARD



... que os meios de comunicação de
massa secundário na modelagem
do objeto de tanta preocupação e

Por menos que esse sentido de traição explique a
derantes em relação aos meios de comunicação.
notar, mais uma vez, que a simples presença dos
não influa tão profundamente em nossa sociedade.

Algumas Funções Sociais dos Meios de Com

Prosseguindo no exame do papel social que
meios de comunicação de massa em virtude da
nós nos abstrairmos temporariamente da realidade