



# Ethics Decision Guide

Jerry Weitz, PhD, FAICP,  
Presenter



Jim Summerbell, AICP,  
Discussant

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Columbus, Georgia Convention and Trade Center  
Wednesday, September 14, 2022  
4:00 p.m. to 5:15 p.m.

# Jim Summerbell, AICP, Discussant



- **Chair of the GPA Policy and Advocacy Committee** 
- **Former GPA President** 
- **Senior Planning Consultant with Jacobs with over 30 years of experience working in both the public and private sectors**
- **Extensive experience in preparing and implementing comprehensive plans, land development regulations, and transportation plans**
- **He has also assisted several local Georgia governments in providing day-to-day planning services and in the role of Planning Director**
- **Master of City Planning degree from the Georgia Institute of Technology**



# Jerry Weitz, PhD, FAICP, Presenter



- Principal, Jerry Weitz & Assoc. since 2001
- From 2010 to 2015, also tenured associate professor and director of the academic planning program at East Carolina University (Greenville, NC)
- Elected to the college of fellows of AICP (FAICP) in 2008
- Editor, AICP's mailbox publication (*Practicing Planner*) from 2001 to 2014
- Author of one of APA's last books, *The Ethical Planning Practitioner* and is co-author of a planning textbook, *Fundamentals of Plan Making: Methods and Techniques* (2<sup>nd</sup> edition)
- President, Georgia Chapter APA, 2003-2005

AICP

APA  
GA




# Objectives of this Session

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To help define in our own view what ethics means

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To instill in planners the general obligation under the AICP Code of Ethics to seriously contemplate ethics issues in planning practice 

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To offer a framework for drilling down into contemplation of issues and to raise critical questions and comments about the framework

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To identify sources of information for determining what is right and wrong

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To highlight the aspirations of the AICP Code of Ethics and Professional Conduct and how they implicitly might affect individual decision-making 

# Primary Sources of Information

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Weitz, Jerry. 2021. "A Decision-making Framework for the Ethical Planning Practitioner." *Urban Studies and Public Administration*, Vol. 4, No. 2 (an open access journal)

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Download free of charge at: <http://www.scholink.org/ojs/index.php/uspa/issue/archive> (go to Vol. 4, No. 2) Or e-mail Jerry for a pdf copy ([jweitz@bellsouth.net](mailto:jweitz@bellsouth.net))

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Weitz, Jerry. 2015. *The Ethical Planning Practitioner*. Chicago: American Planning Association/ Routledge.

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AICP Code of Ethics and Professional Conduct, Revised Nov. 2021  
<https://www.planning.org/ethics/ethicscode/>



# Session Content Outline

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Defining ethics and developing frameworks

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5 stages of a decision-making process

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4 sources of substantive ethics

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Theoretical approaches (deontology, teleology) and  
“outcomes map”

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Values in the AICP Code

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6

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3 Scenarios

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Discussion: Jim Summerbell and closing remarks

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# Unique definitions of ethics – Ethics:

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seeks to cultivate an individual's awareness of moral and legal obligations, so as to guide decisions and behavior consistent with those obligations



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a complex mixture of philosophy, theory, morality, and law, intended to guide right conduct and determine the best possible (though not necessarily always right or good) actions




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a system of psychological theory that aims to stimulate or probe the interaction of conscious and unconscious elements in the mind and bringing confrontations and conflicts into the conscious mind, for subsequent resolution

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They're too complicated...so try these. Ethics:

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Is the task of thinking through questions of right and wrong, conflicting interests, and real moral problems (Brogan, 1926) 

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Is the science of rightness, duty, oughtness, or obligation (Baum 1974)

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Is, simply, right conduct. (But following the law is also right conduct, so this doesn't distinguish ethics from law) (Martinez & Richardson, 2008).



# 1 Is there an accepted guide to ethics?

- Yes, for planners, it's the *AICP Code of Ethics and Professional Conduct*. But... 
- How many of us keep the code in our desk drawer for easy consultation? 
- How many times have we read the code during the last year? 
- How many of us learned about ethics in planning school? 
- Can one expect planners to apply abstract ethical principles in practice? 
- Doesn't ethical thinking take unreasonable amounts of time? 
- Ethical questions are not simple choices between doing good and doing harm – there is often a “gray” area 
- To sum: applying ethics in concrete situations is challenging 

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# So, then why bother with a framework?

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Because the AICP Code says we should!



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“Systematically and critically analyze ethical issues in the practice of planning” (Sec. A.1.6 AICP Code).



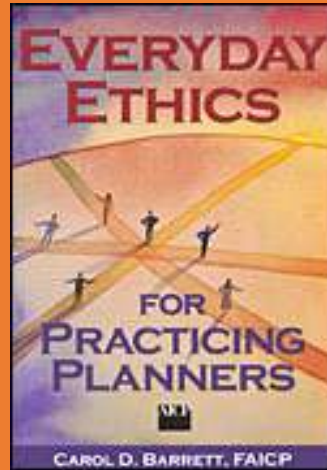
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Does the AICP Code of Ethics and Professional Conduct give us what we need to analyze ethical issues?



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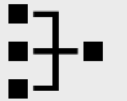
In my own view, the AICP Code gives us the broad “prescriptions” for what should be done, but it doesn’t aid that much in demonstrating how to arrive at the best choices from an ethics standpoint. We need more than the code!



## Barrett's Process Method (2001)

Carol Barrett, FAICP, 2002. *Everyday Ethics for Practicing Planners*. Planners Press.

1. define the problem
2. identify stakeholders or clients
3. examine and rank values
4. examine facts
5. identify alternative courses of action
6. evaluate alternatives and their consequences
7. select a preferred course of action
8. implement a course of action.

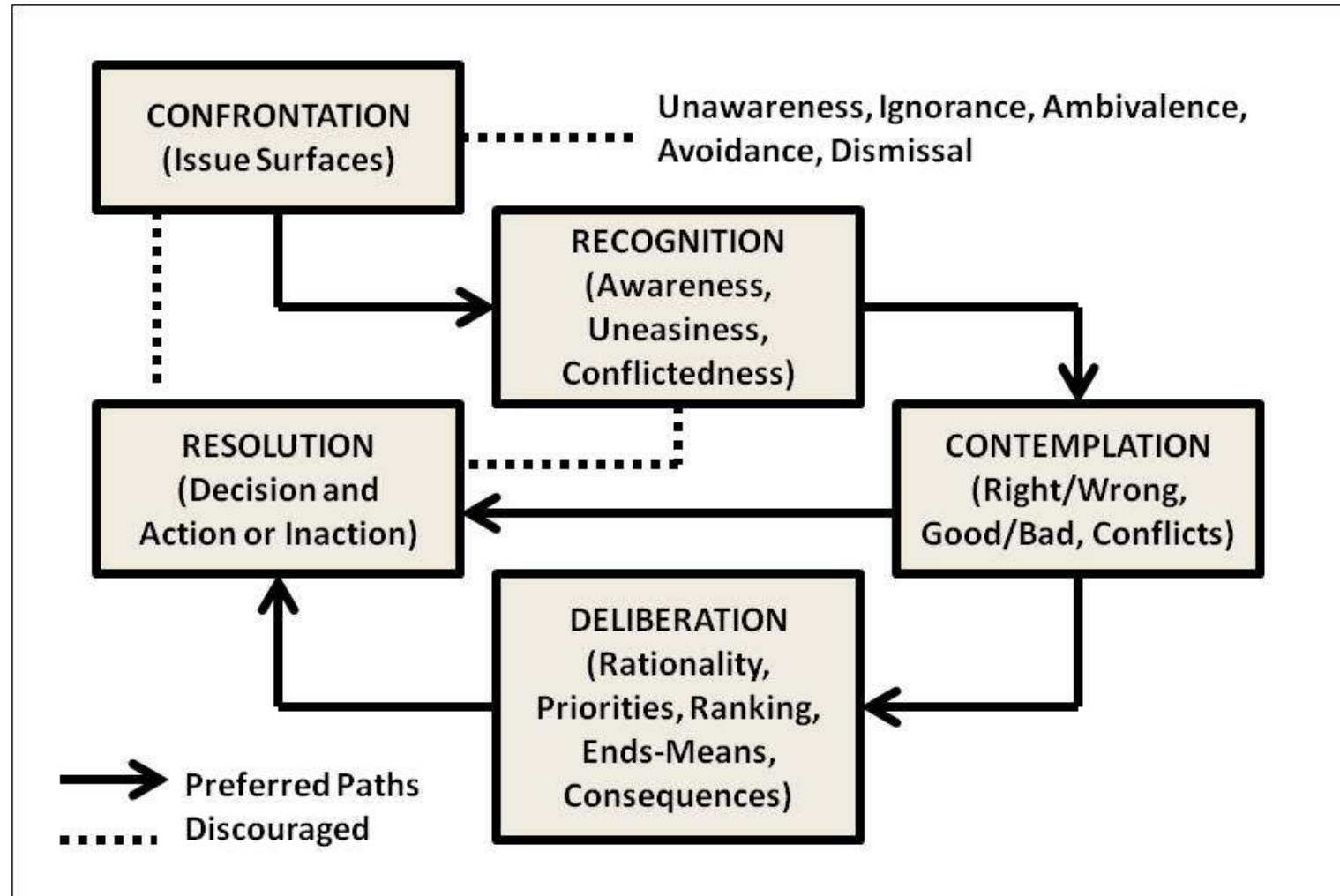


### Observations:

- Like the traditional planning process taught in planning school
- “utilitarian” and “consequentialist”
- Public interest is the summation of individual interests

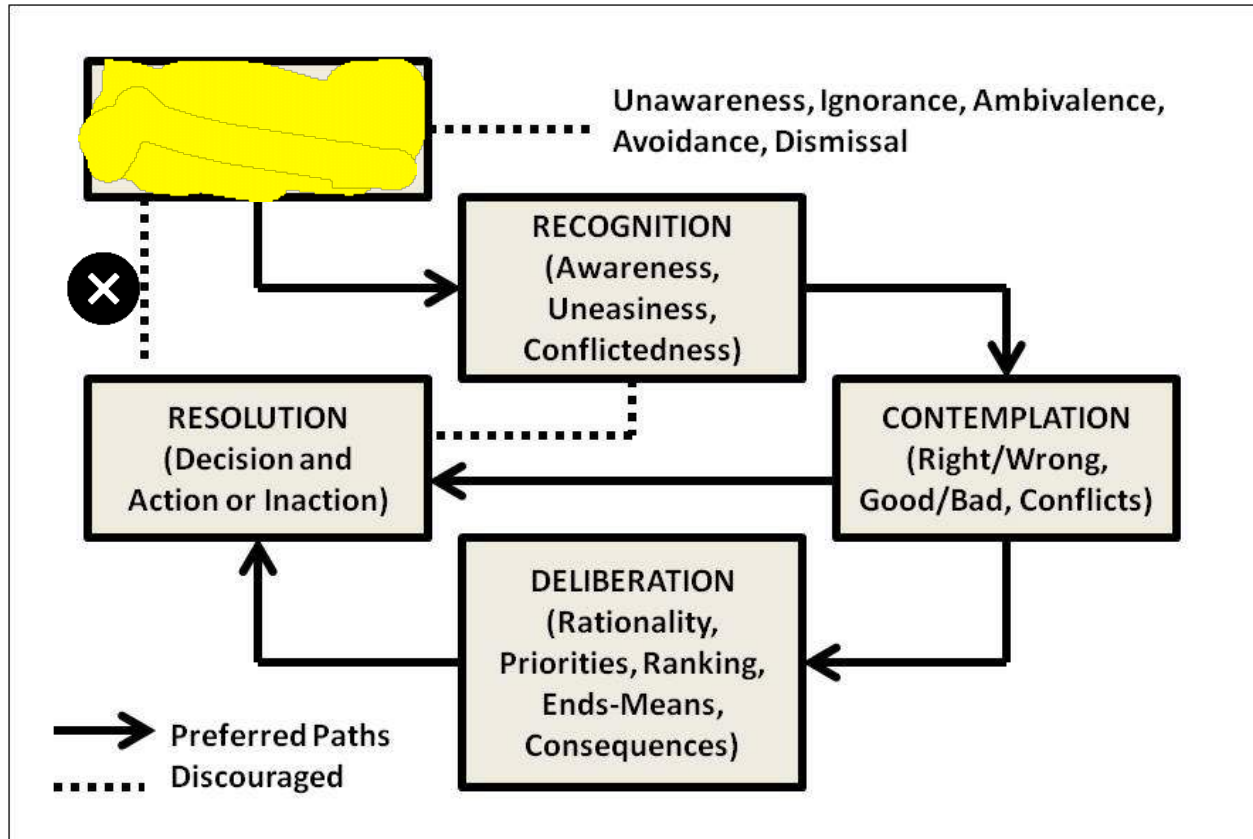
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# 5 Stages of the Decision-making Process



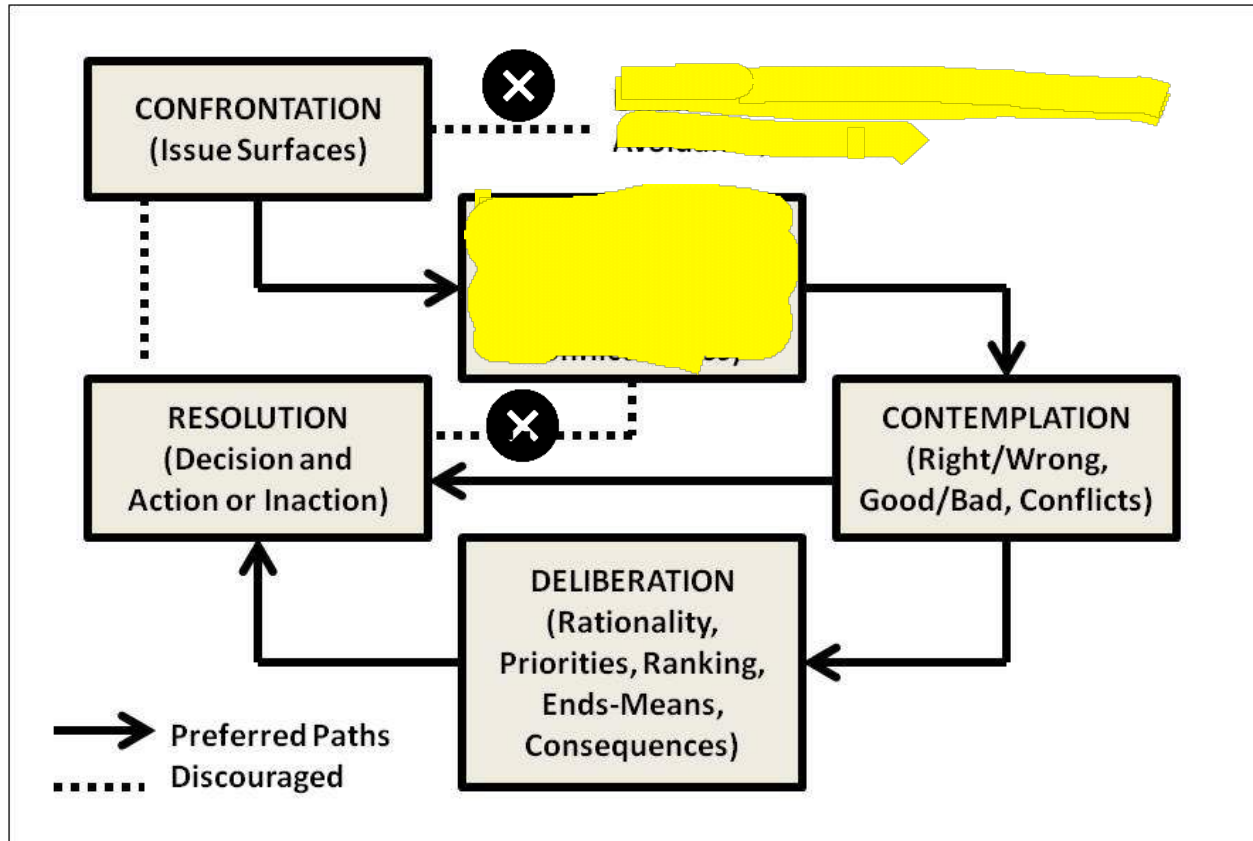
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# Stage 1: Confrontation







- an issue surfaces, or a situation triggers the need for a response; or there's a predicament at hand, or there is some kind of dilemma with some degree of ethical overtones
- Unless the planner recognizes it as an ethics issue, there is no confrontation ~~eye~~
- Do not go from confrontation to resolution (fails to recognize, contemplate, or deliberate)


## 2

Stage 2: Recognition 

1. The planner might

- fail to recognize the confrontation (i.e., unaware-ness or ignorance);
- be ambivalent (exhibit no care or concern); 
- seek to avoid the confrontation; 
- dismiss it for whatever reason (e.g., not worthy of time); 

2. Recognition may be incorrect or inaccurate, or incomplete, or the planner may be only partially aware 

3. Upon recognition, feelings of uneasiness or conflicted-ness will manifest 

Do not go to recognition without contemplation and/or deliberation 


2

# On not getting to (or past) Stage 2, recognition


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Planners might elect to refrain from getting involved in a certain public policy matter (avoidance or dismissal) ✕

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If the confrontation is ignored, avoided, or dismissed, the planner has made a decision and has taken action (i.e., decided to take no action which is, in its own right, an executable action) with respect to the confrontation 

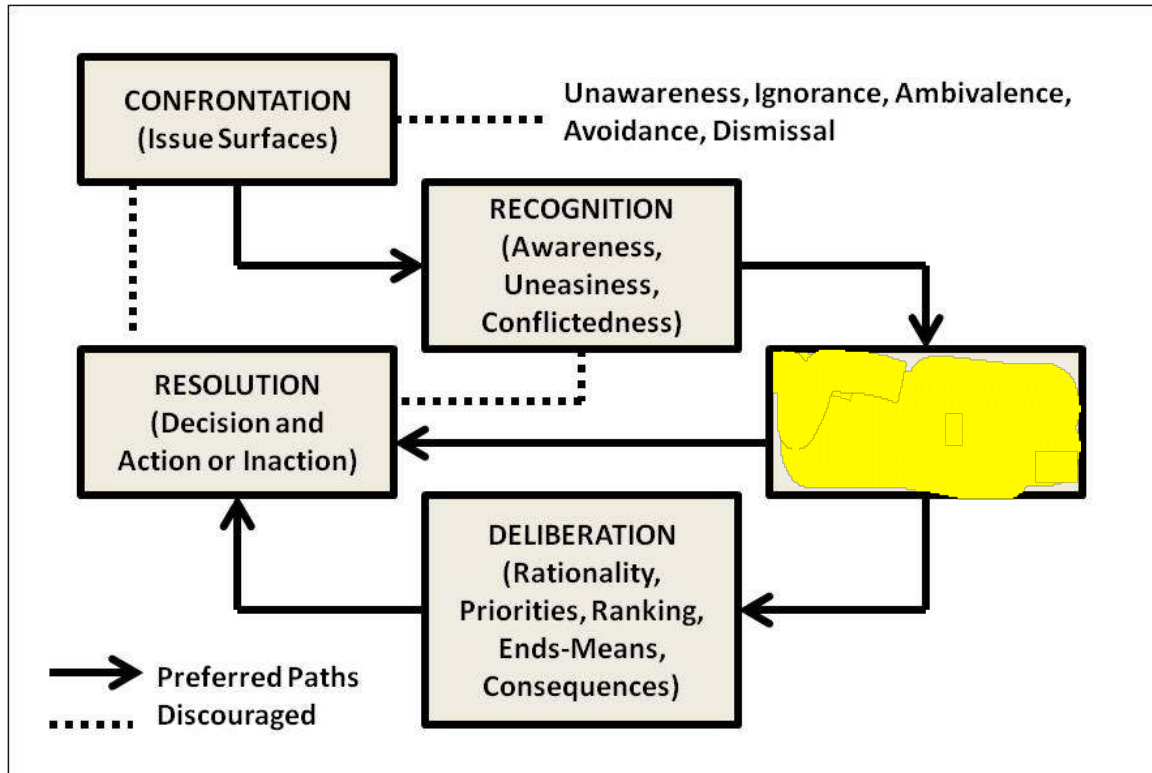
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Or more pointedly: *“if you choose not to decide, you still have made a choice”* quoting the Rock Band, “Rush,” in the song “Freewill,” on the album, “Permanent Waves” (1980) 

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The planner may not consider the issue important enough to be concerned with, in light of the effort required to think ethically (ambivalence) ✕



## 2 Stage 3: Contemplation



- The boundaries between ethical and unethical, right and wrong, and/or good and bad are murky, and the planner is cast into a gray area. The confrontation begs for more attention

- This stage is the business of thinking for ourselves 

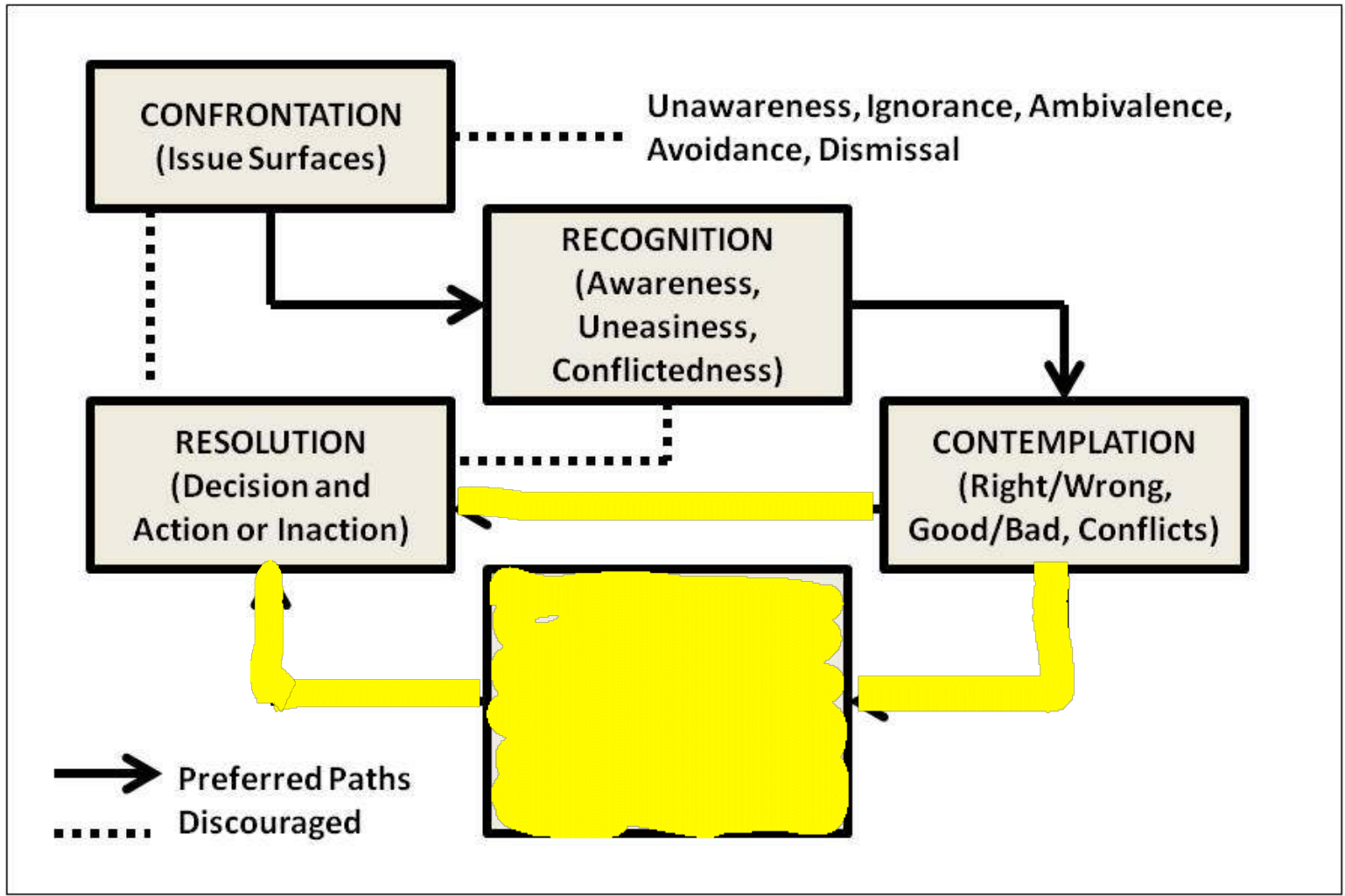
- Contemplation means engaging in an initial, but not necessarily deliberative, process of thinking about a confrontation

- Contemplation is not always undertaken. A planner can move to resolve an issue (i.e., make a decision, decide a course of action, and/or take action) without engaging in contemplation. Instead of contemplating, a planner might “just do it [an act] instinctively most of the time” (Howe, 1994)  



# 2

## Stage 4 Deliberation



- Consideration of the consequences of taking certain action requires “deliberation.”
- Two paths are possible:
  1. from contemplation to deliberation, then to resolution; and
  2. From contemplation directly to resolution
- Neither path is necessarily the correct one
- Either approach can be okay depending on style, preference, specifics of the question at hand

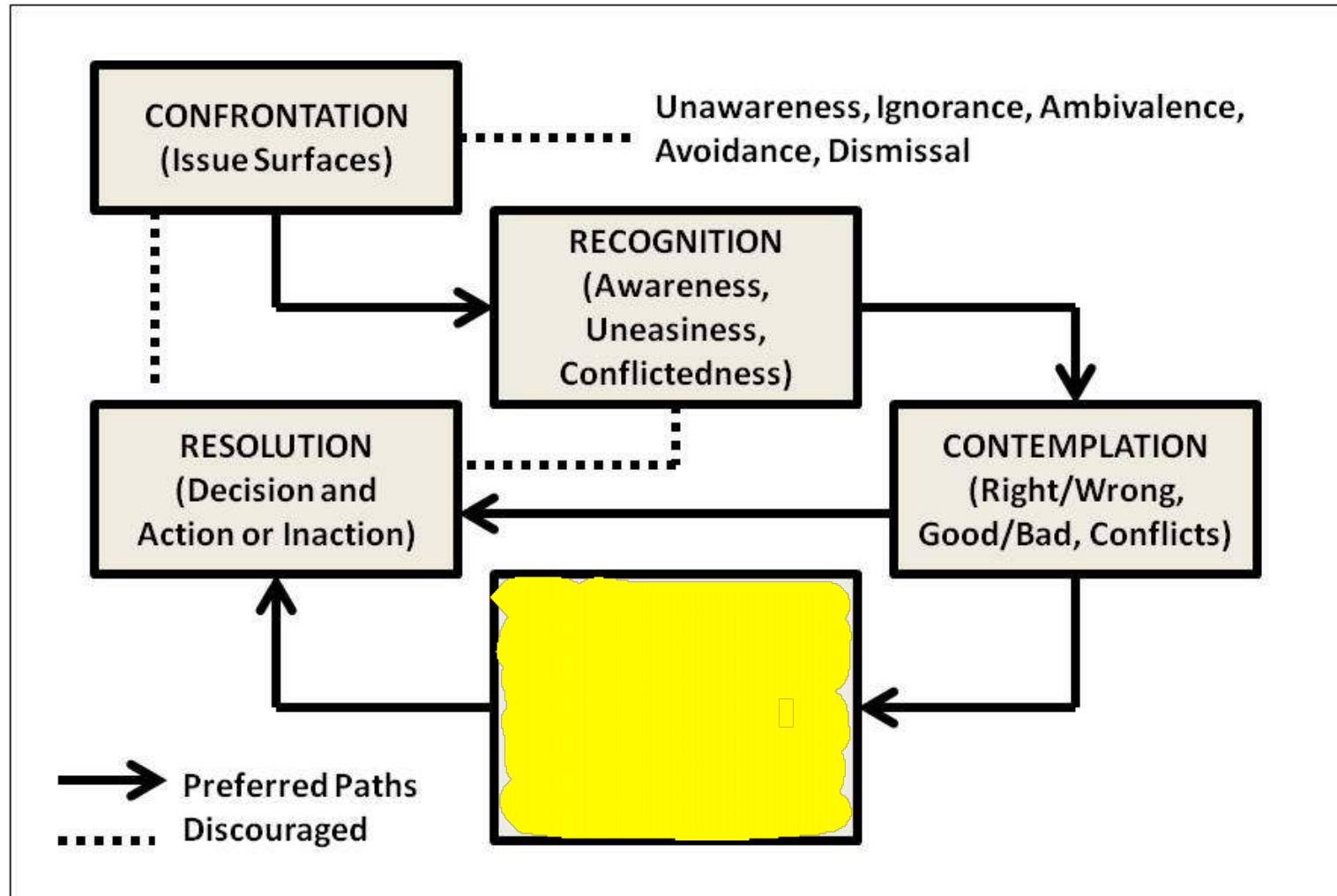
## 2 Stage 4: Deliberation (cont'd)

- Deliberation means weighing conflicting obligations and the process of choosing among alternative courses of action available

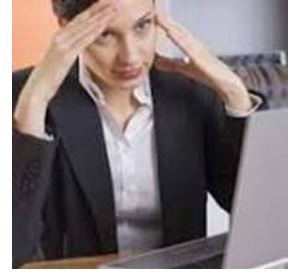
A more reasoned and comprehensive assessment of the confrontation than simple contemplation





Deliberation used to be specifically called for in the Code, but it no longer includes the phrase: “an ethical judgment often requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code.”

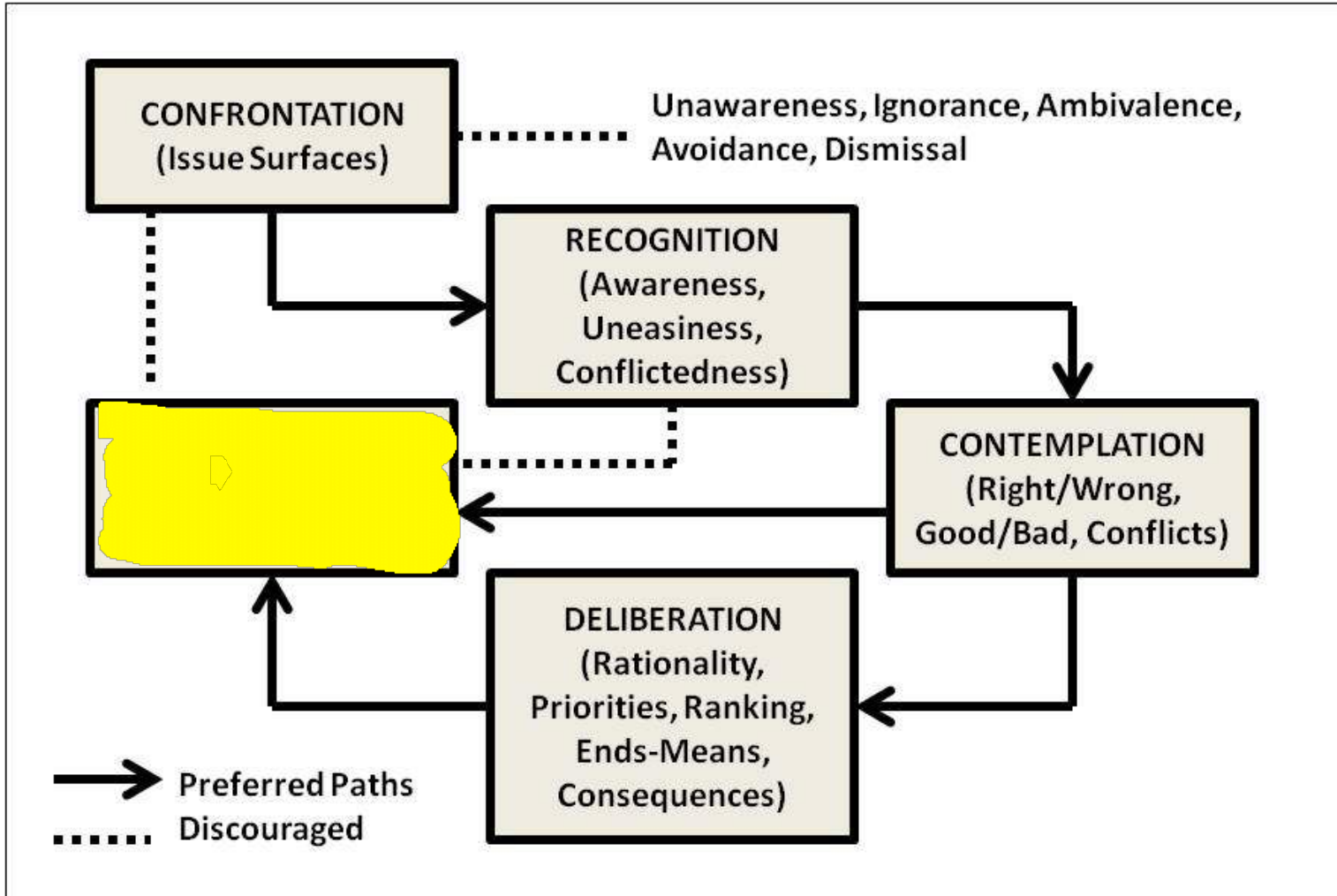


## 2 More on “deliberation”



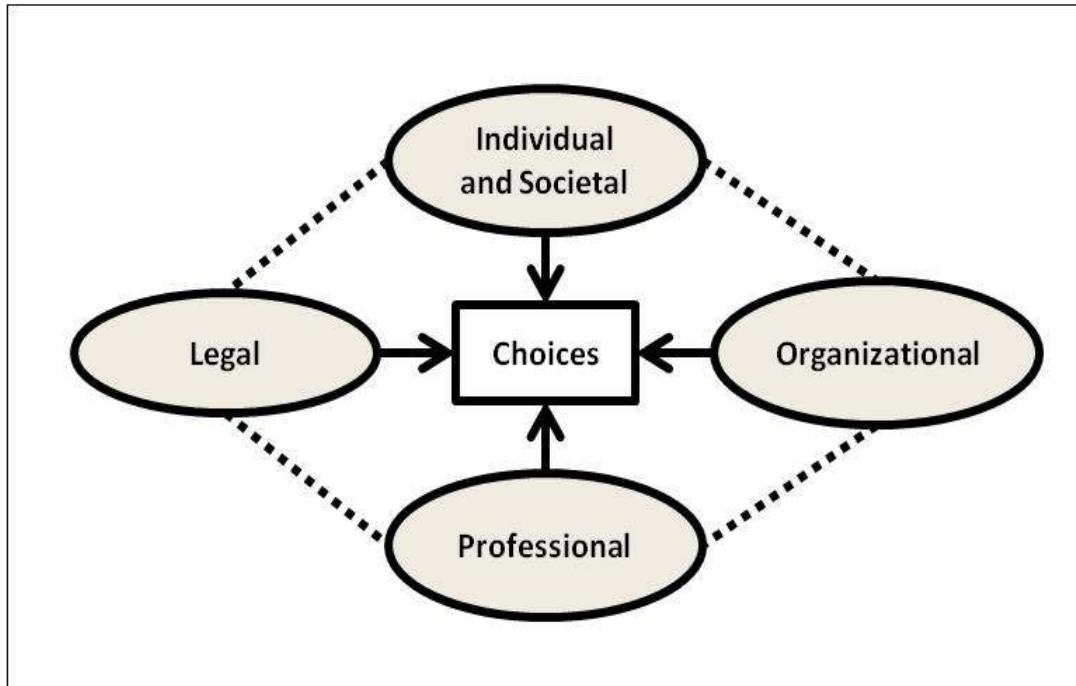
- The rules of conduct in the AICP Code do not directly or specifically require deliberation; they used to implicitly encourage it 
- Rule 25, no longer part of the Code, implied that some deliberation will occur, at least as necessary to prevent “reckless indifference.”
- Rule 25 used to read as follows: ~~“We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our **professional fitness**.”~~
- How scary was this rule? Apparently, scary enough to amend it out of the rules!
- However, it still appears in modified part as an aspiration (see A.4.9 of the Code): “Do not deliberately commit a wrongful act which reflects adversely on the **planning process**.” 

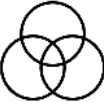

## 2 Stage 5: Resolution



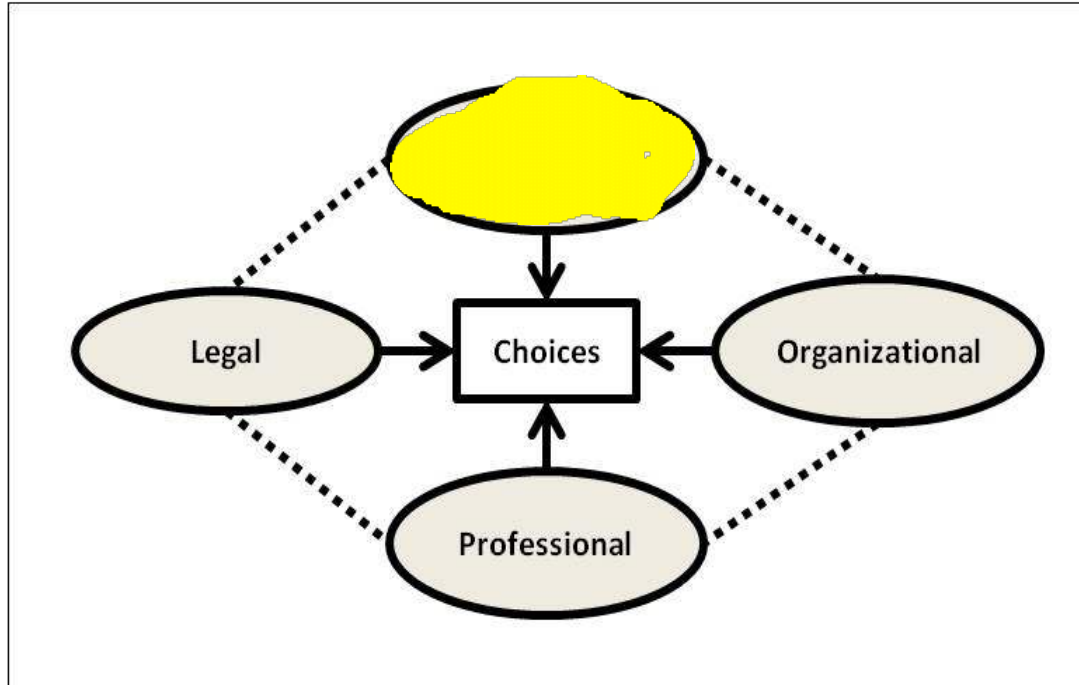
- Every confrontation must be resolved (i.e., brought to closure)
- Resolution also necessitates some recognition that a confrontation exists
- Resolution of a confrontation requires making a decision, whether the planner is conscious of it or not
- Planners may still elect to dismiss, ignore, avoid, or remain ambivalent to a confrontation, and thus decide not to act
- An action not taken (i.e., inaction) is an action in itself
- Inaction as an individual's resolution of the confrontation.

### 3 Sources of Substantive Ethics



- Influences on individual ethical values include family upbringing, religious training, formal education, social movements, and professional experience (Howe 1994)
- The four sources of normative ethical content are not in order of persuasion
- None of these sources is absolute (or by necessity more important than another)
- The sources can also overlap or duplicate 
- Any one of the four major sources of normative ethics can be an input to contemplation, and any one source could be determinative in its own right, but planners are likely to draw on some combination of them 

### 3 Individual and Societal

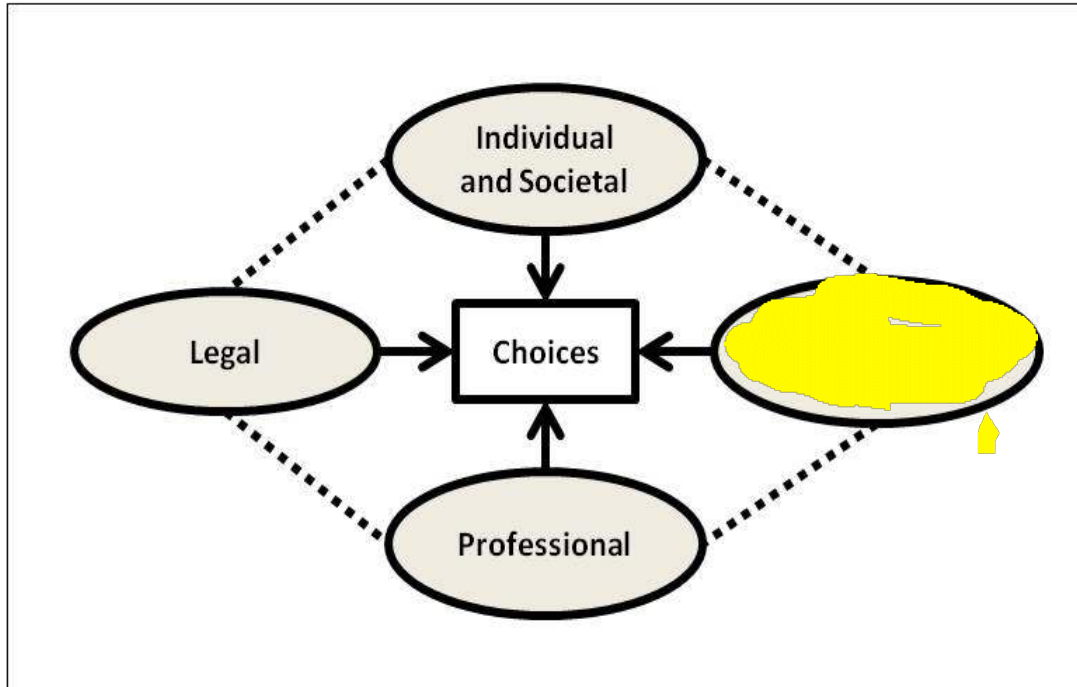


- Family upbringing 🏠
- Individual conscience (voice inside your head or “gut reaction”)
- Religion (e.g., golden rule) 🤝❤️
- Recognition of the precepts (beliefs, passions and principles) of a moral society
- Personal background, characteristics and personality

- Influences aren't always positive: A planner might have no moral fiber whatsoever, and could become consumed by self-interest. 😞📄

# 3

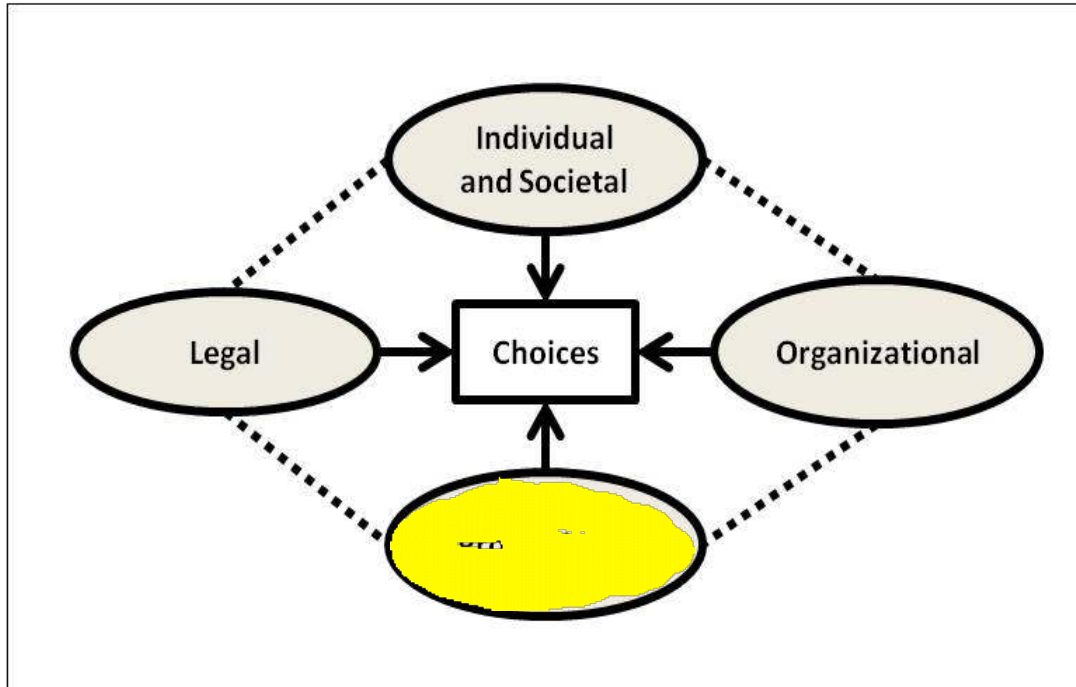
## Organizational



- However, acting consistent with expectations of the organization may lead to morally questionable conduct (group think; “normalization of deviance”)

- Ethics may be enforced formally or informally by organizations
- Organizational dynamics (i.e., structure, function, culture, and contextual environment) can influence decisions of public administrators
- A planner may take guidance from the organizational context or the organizational culture, including norms, rules, customs, and expectations, within which the confrontation arises and is recognized
- Two key origins of ethical frameworks in public administration are bureaucratic ethos and democratic ethos (Pugh, 1991).

# 3 Professional



- Planners holding the AICP credential can be sanctioned, but only for violating the rules of conduct

- Ethics may be enforced formally or informally by professional associations
- Ethical conduct can be defined narrowly as that conduct which conforms to professional standards of behavior
- The International City Managers' Association adopted a code of ethics in 1924 (Leys, 1943; Pugh, 1991).
- A code of professional conduct was adopted by the American Institute of Planners (AIP) on January 10, 1948, in Chicago (American Institute of Planners, 1948).
- Codes can be aspirational, guiding, or regulatory in nature (AICP's code is a combination); before the 2005 rewrite of the code, the aspirations and rules were not separate/distinct from one another

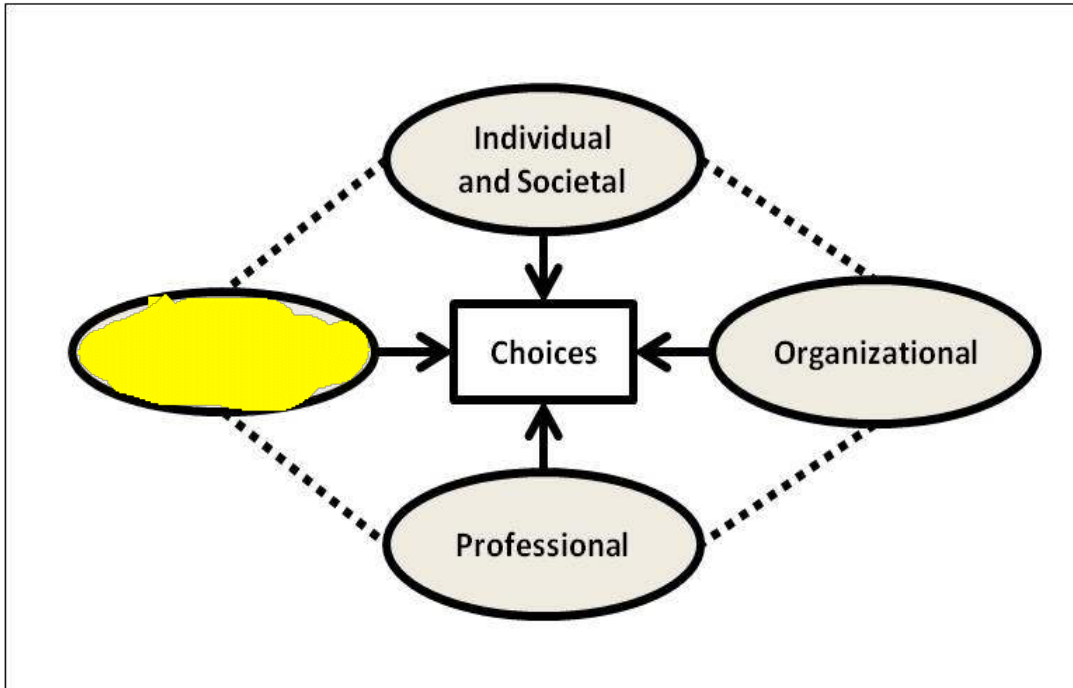


### 3

## Are Codes of Ethics Influential?

- Public administrators have seldom mentioned a code of ethics as having any influence on their actions, and some administrators find that ethics codes are irrelevant to management decisions (Gortner, 1991) ✘
- Howe (1994) found that codes of ethics in planning do not appear to have much influence over the values or behavior of planners. She found that the values of planners correspond to those of the AICP Code, but their actions sometimes did not ✘
- Why are codes of limited value? They present a one-size-fits-all approach, contents can be vague and too general in nature; and codes can rarely answer specific behavioral questions ✘
- Application of ethics codes by themselves reduces ethical behavior to “staying out of trouble” (Pugh, 1991) ✘
- Codes of professional ethics seldom overtly recognize the multiplicity of moral communities to which the professional is obligated (Bolan 1983) ✘

# 3 Legal



- It is possible to have unjust laws, leading planners to question whether an unjust law should be followed.

- Laws and ethics are not the same thing.
- Just because something is legal does not mean it is moral or ethical (Baggini & Fosl, 2007)
- A focus on laws may be determinative in clarifying distinctions between right and wrong behavior
- Legal obligations are the most binding of rules and principles by simple virtue of their status as laws
- But laws cannot cover every type of misbehavior.
- Laws typically articulate what cannot be done, and therefore they are sometimes not useful in resolving an ethical dilemma (Gortner, 1991).
- Relying on the law alone can lead to narrow, “impoverished” views of ethics (Howe, 1994)


# 4

## Deontological vs Teleological Approaches

### Deontology

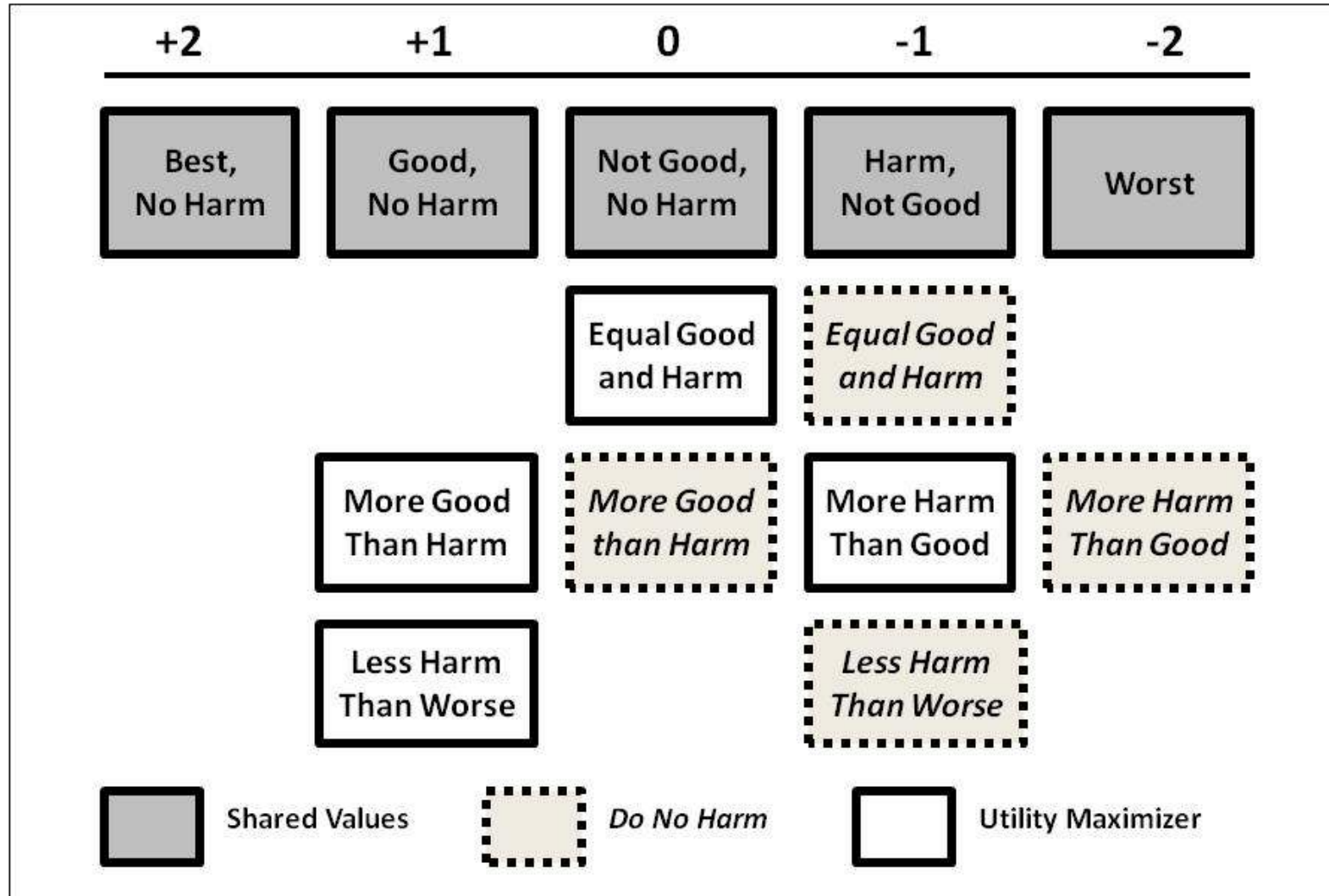
- Universally applicable moral principles
- Rightness or wrongness of an action is determined by referencing formal rules of conduct
- i.e., there is a right choice no matter what the consequences
- Lying, doing harm, or violating duties of justice are wrong in and of themselves
- Example, avoiding the loss of a single human life is so important that it doesn't matter if a dozen people die trying
- Loosely dubbed the “do no harm” approach

### Teleology

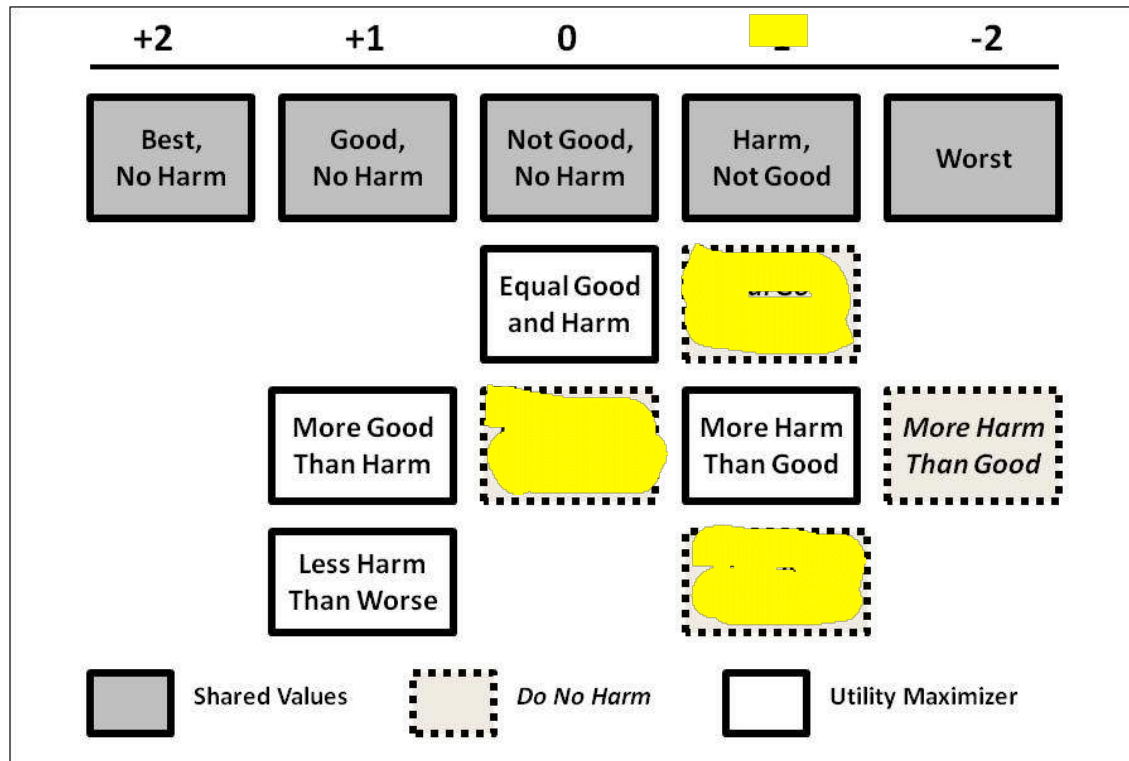
- Consequentialism
- Rightness or wrongness of an action is determined by the action's results or consequences
- Example, the risk of death to multiple persons is too great of a consequence when it comes to trying to prevent loss of a single human life
- Utilitarianism is the best-known version of consequentialism; the underlying principle is maximizing the good for the greatest number of people (i.e., utility maximization) (benefit-cost analysis) 
- Society is the broader context, not the individual; or in planning, we usually mean “the public interest”

# 4

## Outcomes Map



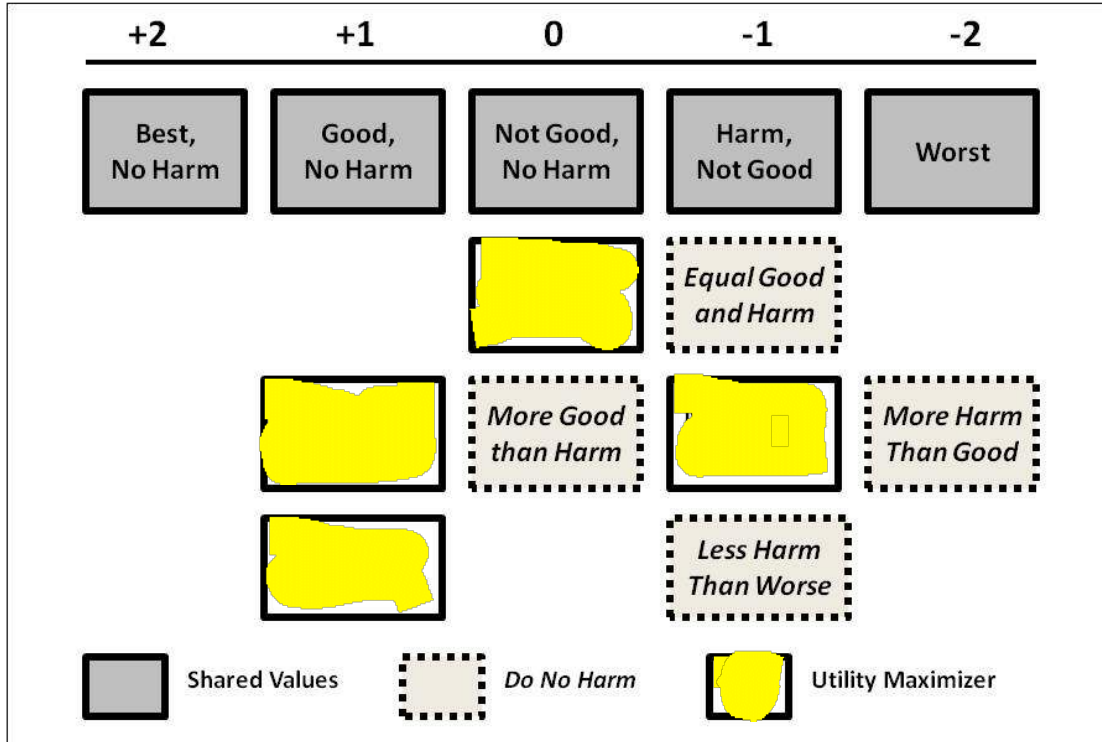
# 4 Elaboration on the deontological approach



- The “do no harm” planners, have an allegiance to laws, rules, and core values which are ends in their own right
- The do no harm planner will tolerate no harm. If a decision or action would result in both good and harm in relatively equal proportions, the deontologist (“do no harm”) planner would view that choice as having negative value.
- The do no harm planner will not positively embrace any decision that involves harm, no matter how much good may come from it

# 4

## Elaboration on the teleological approach



- If a consequence involves good and harm in relatively equal proportions, the utility maximizing planner will view that neutrally, not negatively, as it is a neutral calculus with the same amounts of harm and good.
- Similarly, more good than harm has positive value for the utility maximize, and less harm than worse is also positive from a net benefit perspective.
- In sum, the figure can be viewed as an outcomes map by practicing planners for complex decisions. Any decision with ethical overtones can ultimately be placed somewhere on the map.

# 5

## Values Explicit in the AICP Code

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“Our primary obligation as planners and active participants in the planning process is to **serve the public interest.**”

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“The aspirational principles, while not enforceable, present the foundation for the profession's shared values.”

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“Promote an increase in the supply and quality of **affordable housing** and improved services and facilities with equal access for all residents, including people with disabilities.”




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“Promote the inherent rights of indigenous people.”

## 5 Notions of Social Equity Permeate the Code

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- Be conscious of the rights of others...especially **underrepresented communities** and **marginalized people** 
- Incorporate equity principles and strategies ... to achieve more socially just decision-making
- Help overcome historical impediments to **racial and social equity**
- Participation should ...include those who lack formal organization or influence, especially **underrepresented communities** and **marginalized people**



## 5 Notions of Social Equity in the Code (cont'd)

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- Attention and resources should be given to issues of equity, diversity, and inclusion and should reflect the **diversity** of the community
- Do not discriminate against or harass others
- Seek social justice by identifying and working to **expand choice and opportunity** for all persons, emphasizing our special responsibility to plan with those who have been **marginalized or disadvantaged** and to promote **racial and economic equity**.
- Definition of white privilege in the glossary (new to the code)




## 5 Social Justice (defined by APA in AICP Code)

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The goal of social justice is not met when underserved populations shoulder the weight of untenable living conditions, and subsequently experience no material benefit after community improvements are implemented. Instead, social justice requires the examination of both the positive and negative impacts of community improvements on all community members so that all members benefit and no one group or neighborhood is unfairly disadvantaged. This results in "paying it forward," by improving conditions for future residents.

# 5 Planning & Historic Patterns of Inequity

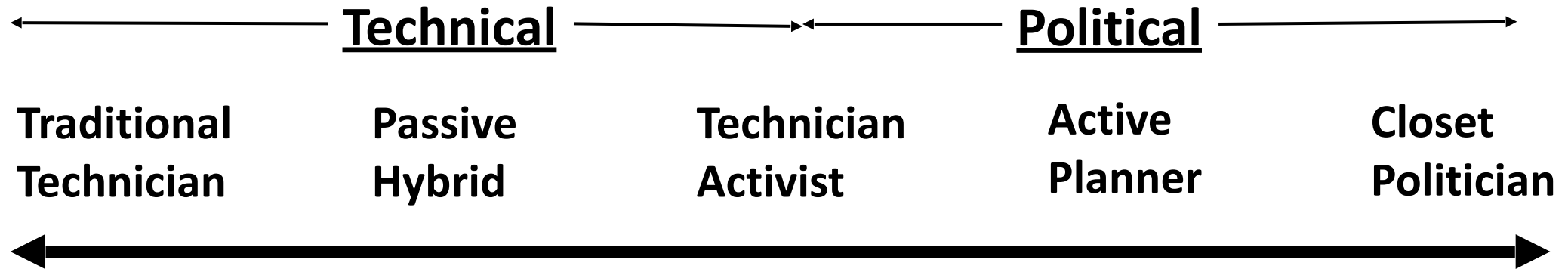
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- inappropriate zoning 
- negligent land use planning 
- failure to enforce proper zoning or conduct regular inspections
- deed restrictions and other discriminatory housing and lending practices 
- the prioritization of business interests over public health
- development patterns that tend to concentrate pollution and environmental hazards in certain communities

Don't leave any disadvantaged group out

- Cultural minorities
- Ethnic minorities
- Indigenous communities
- Low-income individuals
- LGBTQ+
- People of color
- People with health issues that are unseen
- People with disabilities
- People with limited English ability
- People with various political beliefs
- People with uncertain immigration status
- Prisoners
- Senior citizens

# 5 Place yourself on the following continuum...



**Process Planner:  
negotiate and mediate**

Knowing where you place on this continuum may help you predict how you will react to various ethical issues  
Where do you think the AICP Code places planners on this continuum?

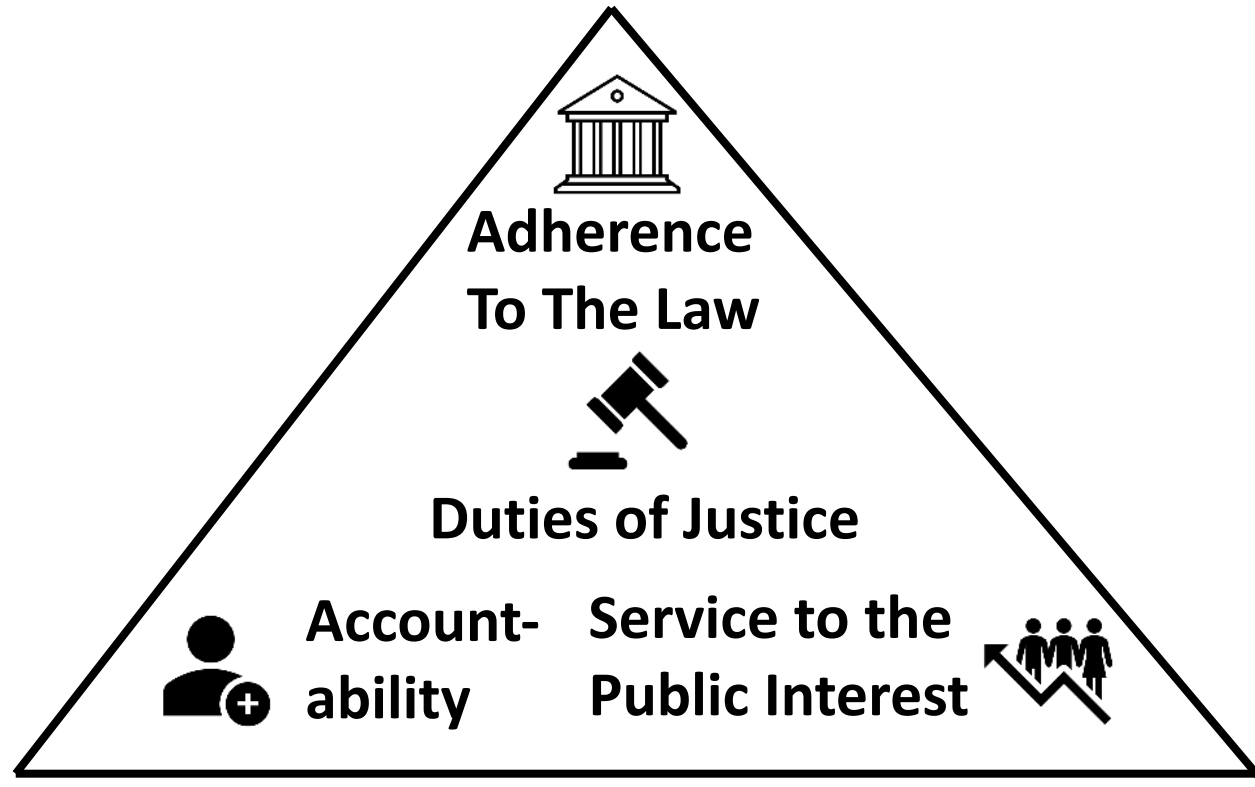
Derived from Howe 1994.

# 5 Action Orientations (Part A, Aspirations)

- Hold individuals and organizations accountable for their conduct
- Urge the alteration of policies, institutions, and decisions that do not help meet their needs of the marginalized or disadvantaged
- Mitigate the impacts of existing plans and procedures that result in patterns of discrimination, displacement, or environmental injustice
- Plan for anticipated public and private sector investment in historically low-income neighborhoods
- Contribute time and effort to our communities, particularly to those groups lacking in adequate planning resources, through pro bono planning activities.

# Hierarchy of Principles (based on Howe 1994)

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## 6 Scenario: Disadvantaged Group Input (S26)

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- A planning consultant has a contract to prepare a plan for a county and also a separate contract to prepare a plan for a city in the same county. The consultant finds that the elected officials of the city are not inclined to seek input from a low-income, disadvantaged, disproportionately African-American neighborhood.
- An opportunity arises for the consultant to meet with this neighborhood, and it will be taped and televised. The consultant doesn't want to ask if he or she should attend because the city client is likely to say no.
- What does the planning consultant do? (Weitz, 2015, p. 46)



# 6

## Response to S26, Disadvantaged Group Input

- Attend the session
- But numerous aspirational principles would lead the planner to take action (see citations in prior slides)
- Would the planner be right not to ask permission of his client(s)? What if he or she did and the client said no. Does that change the dynamic?
- Can you ignore a directive on the basis that you aspire to uphold the public interest and the AICP Code's aspirational principles?

# 6

## Response to S26, Disadvantaged Group Input

- The 2015 version of the AICP code made this a more difficult decision because of the following:
- *“We shall accept the decisions of our client or employer concerning the objectives and nature of the professional services we perform unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest.”* (formerly Principle A.2.b, no longer in the code).
- No rules appear to be directly relevant to this scenario, although at least consider Rule B17: *“We shall not fail to disclose the interests of our client or employer when participating in the planning process.”*

## 6 S27 Affordable Housing Neighborhood

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- You are preparing a comprehensive plan for a city. The mayor, who has been in office for more than 30 years, has indicated property owners of an older, in-town neighborhood want to rezone the property from single-family residential to office use. The city planner indicates the land use plan should be changed for this neighborhood to reflect office use per the mayor. The mostly renter neighborhood is still stable but abuts the downtown commercial district. It is one of the few remaining in the city that provides affordable housing for low-income persons.
- How do you respond?

# 6

## Response to S27 Affordable Housing Neighborhood

- Mitigate the impacts of existing plans and procedures that result in patterns of discrimination, displacement, or environmental injustice
- Plan for anticipated public and private sector investment in historically low-income neighborhoods *[to the benefit of low-income households...not to the property owners (?)]*
- “Promote an increase in the supply and quality of **affordable housing** and improved services and facilities with equal access for all residents, including people with disabilities.”
- *What additional information is needed to make a good decision, if any? Are the aspirational principles enough?*

# 6

## S7. Minority Planner Acts as Advocate for Minority Neighborhood

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- A junior level African American planner began work for a city that was completing a specific area plan covering an area including a low-income minority neighborhood. After reading the draft planning documents, he formed an opinion that it was terrible and not in the best interest of the neighborhood. He informed his superiors of major concerns about the draft and lobbied them to make significant changes to it. He was told by the assistant planning director not to rock the boat by trying to make changes at that point. He then worked as an underground advocate for changes to the plan, without the knowledge of his supervisors. The city planning supervisors became aware of his activities.

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# S7 Questions, Advocacy Minority Planner

- What ethical issues does this scenario raise?
- What should the junior level planner do?
- What action should the planning department managers take in response to his activities? (Weitz, 2015, p. 20)

Replies? Thoughts?

# 7 Prompts for Jim (and audience) as Discussant

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- Can the ethics decision guide (5-step process) be used to aid practicing planners in making better decisions? Or, is it just descriptive and theoretical without much application to practice?
- Are there parts of the guide (decision-making process, sources of values, and types of ethical thinking (deontology and teleology) that are more useful than others?
- Are the aspirational principles of the AICP Code, with their clear emphasis on social equity and helping disadvantaged groups, enough to influence your behavior? Are they hard and fast principles to followed in every case or does it depend on specific contexts?

# Conclusions and Takeaways

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- The are complex and relatively simple definitions of ethics
- A 5-stage model of decision-making has been presented with the hope that it brings more structured thought to applying ethics in everyday decisions
- 4 sources of normative ethics have been identified; knowing the source and if there are overlaps may help weigh the relative value of these sources
- The role of theory has been discussed and to some extent debated
- An outcomes map has been presented as a possible tool to use
- 3 scenarios have been presented and discussed
- A critical viewpoint has been provided along with audience participation