

2022 Spring AICP Exam Review

AICP Code of Ethics and Professional Conduct

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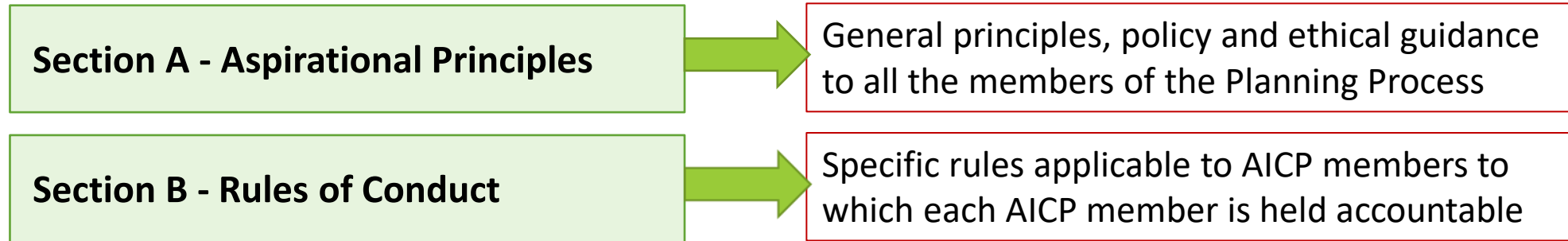
American Planning Association
Georgia Chapter

Making Great Communities Happen

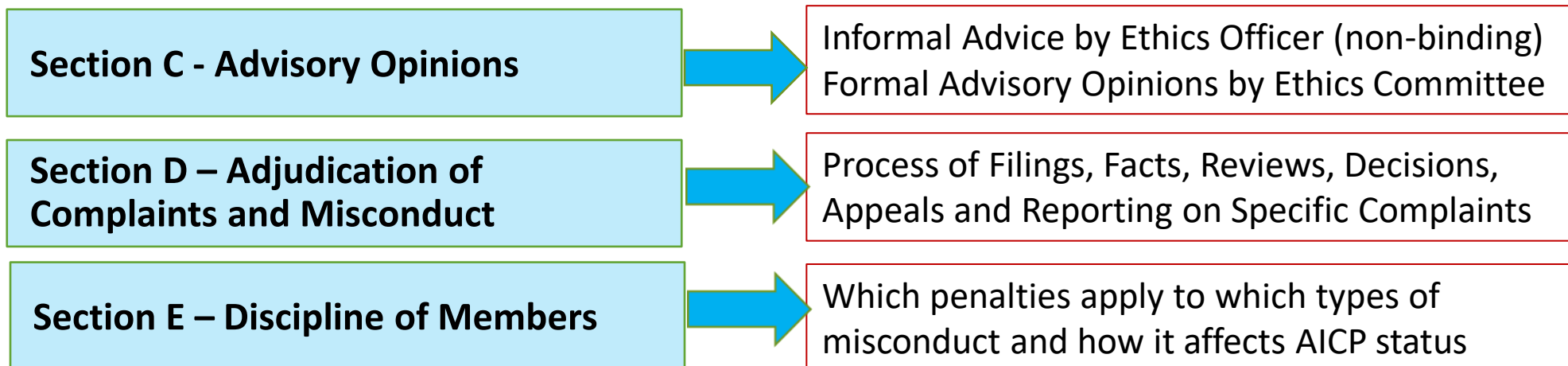


Conceptual Outline of AICP Code of Ethics and Professional Conduct

SUBSTANCE



PROCEDURES



AICP Code of Ethics and Professional Conduct

Section A contains a statement of *Principles to Which We Aspire* that define the ideals to which all who participate in the planning process are to aspire. The aspirational principles, while not enforceable, present the foundation for the profession's shared values and the basis for the rules that follow in Section B.

Section B contains *Rules of Conduct to which all members of the American Institute of Certified Planning are held accountable*. If we violate any of these rules, our behavior can be the object of a charge of misconduct and we 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.

AICP Code of Ethics and Professional Conduct

Section C: Advisory Opinions explains procedures by which the Ethics Officer responds to any planner or other person who has a question regarding the meaning and application of the AICP Code of Ethics and Professional Conduct (Informal Advisory Opinions). It also describes how the AICP Ethics Committee prepares Formal Advisory Opinions to counsel an AICP member or at other times when the Committee believes that guidance on an ethical issue is necessary for all members.

Section D: Adjudication of Complaints of Misconduct presents the step-by-step process by which the AICP Ethics Officer and the AICP Ethics Committee work together to rule on and/or resolve ethics complaints against a Certified Planner.

AICP Code of Ethics and Professional Conduct

Section E: Discipline of Members explains the roles of the AICP Ethics Officer and the AICP Ethics Commission in adjudicating ethical complaints. It also sets out the forms of discipline that may be exercised by the AICP Ethics Officer or the AICP Ethics Committee when an AICP member is found to be in violation of the Rules of Conduct and the guidelines by which varying levels of penalties may be imposed based on differing facts and misconducts. It also contains procedures for appeals, reinstatement, and reporting.

Glossary: The final section of the AICP Code of Ethics and Professional Conduct is a brief glossary of certain important words or terms used in the Code.

Principles to Which We Aspire

People who participate in the planning process shall:

1. continuously pursue and faithfully serve the public interest;
 2. do so with integrity;
 3. work to achieve economic, social and racial equity; and
 4. Safeguard the public trust;
5. Practicing planners shall improve planning knowledge and increase public understanding of planning activities

Principles to Which We Aspire

- 1. Continuously pursue and faithfully serve the Public Interest by:**
 - Understanding our biases and privileges to better serve a truly inclusive public interest;
 - Being conscious of the rights of others – especially underrepresented communities and marginalized people;
 - Having special concern for long-range consequences;
 - Recognizing the interrelatedness of decisions and unintended consequences;
 - Incorporating equity principles and strategies and overcoming impediments to racial and social equity; and
 - Critically analyzing ethical issues and applying ethical procedure in the practice of planning.

Principles to Which We Aspire

2. Participate in the Planning Process with Integrity by:

- Providing timely, adequate, clear, accessible and accurate information
- Facilitating the exchange of ideas to ensure informed participation of underrepresented communities and marginalized people;
- Promoting excellence in design utilizing principles of sustainability;
- Identifying human and environmental consequences of alternative actions;
- Enhancing our professional education and training;
- Educating and seeking to empower the public about relevance of planning issues
- Describing the work of other professionals in a fair and professional manner;
- Respecting rights of all persons and groups without discrimination.

Principles to Which We Aspire

3. Work to achieve economic, social and racial equity by:

- Creating plans that ensure equitable access to resources and eliminate historic patterns of inequity in zoning and land use plan decisions;
- Seeking social justice by expanding choice for all persons and planning with those who have been marginalized or disadvantaged;
- Mitigating the impacts of existing plans that result in patterns of discrimination and supporting equitable supply of affordable housing and services;
- Promote the inherent rights of indigenous people and work with them on developments affecting them and their lands and resources.

Principles to Which We Aspire

4. Safeguard the public trust by:

- Dealing fairly with all participants in the planning process;
- Exercising fair, honest, skilled, and independent professional judgment;
- Not letting any official action be influenced by personal relationships;
- Only serving clients whose objectives are consistent with the public interest;
- Avoiding actual or apparent conflicts of interest in accepting assignments;
- Publicly disclosing personal and pecuniary interests regarding planning decisions and leave any chamber in which the matter is considered;
- Not accepting gifts or favors which are intended to influence decisions;
- Not accepting assignments for which you cannot render diligent services;
- Not deliberately committing an act that reflects adversely on planning process;
- Not seeking business by offering to influence decisions by improper means; and
- Exposing corruption wherever discovered.

Principles to Which We Aspire

5. **Practicing Planners: improve planning knowledge and public understanding** by:
- Improving public knowledge and techniques and sharing work that contributes to the body of planning knowledge;
 - Examining applicability of planning knowledge to facts of each situation and not applying customary solutions to situations where they are not applicable;
 - Striving to achieve high standards of education and professionalism and complying with CM requirements;
 - Expanding the recognition of AICP and FAICP credentials and its members;
 - Contributing time and resources to professional development of yourself and others who are members of underrepresented groups;
 - Contributing pro bono time and resources to communities lacking planning resources

Section B: Our Rules of Conduct

We adhere to these rules, we understand that they will be enforced and that if we fail to adhere to them that we could be sanctioned:

- Quality and Integrity of Practice
- Conflict of Interest
- Improper Influence/ Abuse of Position
- Honesty and Fair Dealing
- Responsibility to Employer
- Discrimination / Harassment
- Bringing a Charge / Lack of Cooperation with Ethics Officer

Quality and Integrity of Practice

We shall not:

- deliberately fail to provide adequate, timely, clear and accurate information on planning issues;
- accept an assignment that is illegal or violates this Code;
- accept work beyond our professional competence;
- accept work that cannot be performed as promptly as required;
- make analysis or findings not supported by available evidence; or
- deliberately commit any wrongful act that reflects adversely on our professional fitness or the planning profession.

Conflict of Interest

We shall not:

- accept additional compensation commission, rebate, or other advantage that may be related to our public office or employment; or
- perform work that results in direct personal or financial gain other than compensation from our employer unless our employer knows and agrees, and we make full disclosure on the public record in every public meeting and report.

Improper Influence / Abuse of Position

We shall not:

- as public decision makers, engage in private communications with planning process participants;
- engage in private communications with decision-makers where it is prohibited by law or agency rules and procedures;
- solicit clients or employment with false and misleading claims nor imply an ability to improperly influence decisions; nor
- use the power of our office to seek special advantage that is not public knowledge or in the public interest.

Honest and Fair Dealing

We shall not:

- disclose or use confidential information contrary to the interest of a client or employer except when required by law or to prevent substantial injury to the public;
- deliberately misrepresent qualifications or the views or findings of other professionals;
- misstate our own qualifications;
- use another professional's work to seek credit for ourselves; nor
- conceal the interests of our client or employer in the planning process.

Responsibility to Employer

We shall not:

- accept a second job outside our current employment without full written disclosure to, and permission from, our employer or if they approve, take a second job that creates a conflict of interest with the first;
- publicly advocate a position on a planning issue that is significantly different to one we previously advocated (during the past 3 years) for a previous employer unless make full written disclosure to our previous and current employer.

Discrimination / Harassment

We shall not commit or ignore an act of discrimination or harassment. (See glossary for detailed description).

Bringing a Charge/Lack of Cooperation with Ethics Officer

We shall not:

- withhold cooperation or information if a charge has been filed against us or we have information relevant to another case;
- harass, retaliate, or threaten a person filing a charge against us or a person providing evidence to an ethics investigation;
- threaten to file charges against another planner for personal, pecuniary or professional gain or file a meritless complaint; nor
- fail to notify the Ethics Officer if we are convicted of a “serious crime” as defined in Section E.3. of the Code.

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 complaints of misconduct**.

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

Section C: Advisory Opinions

“Any person, whether or not an AICP member, may seek informal advice from the Ethics Officer and any AICP member may seek a formal advisory opinion from the Ethics Committee, on any matter relating to the Code of Ethics and Professional Conduct. In addition, the Ethics Committee may, from time to time, issue opinions applying the Code to ethical matters relating to planning.”

Section D: Adjudication of Complaints of Misconduct

1. Filing a Complaint
2. Preliminary Review
3. Fact Gathering
4. Exploration of Settlement
5. Decision
6. Appeal
7. Effect of Dropping Charges by Complainant or Resignation by Respondent
8. Reporting

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.

Section E: Discipline of Members

Conduct that may result in discipline:

- Conviction of crimes per paragraphs 3 and 4 of the Code
- Finding of unethical conduct
- Loss, suspension, or restriction of professional license by government agency
- Failure to make disclosure to AICP of a conviction of a serious crime or adverse professional licensure action
- Other unethical action determined by the Ethics Officer or Ethics Committee

Section E: Discipline of Members

Forms of discipline:

- Confidential letter of admonition
- Public letter of admonition
- Suspension of AICP membership
- Revocation of AICP membership
- Conditions such as writing a letter of apology, correction of a false statement, taking an ethics course, refunding money, etc.

Procedures provide for appeal of some decisions and petition for reinstatement after 5 years of suspension.

Glossary of Terms

- Diversity
- Equity
- Environmental Injustice
- Harassment
 - Verbal/ Written
 - Physical
 - Visual
- Historic Patterns of Inequity
- Inclusion
- Indigenous Peoples
- Privilege
- Social Justice
- Substantial Injury

Key Tensions

- Prioritizing objectives of client v. public interest
 - Research design
 - Information availability
 - Impacts on environment vs. impact on equity
- Personal advantage v. client interests
 - Replication of work
 - Changed recommendations

Exam Questions may be situational...

- Best answers will focus on documented facts of planners' behavior and direct application of the Code...
- NOT on how your boss or client might want you to handle the situation!
- Always prioritize the values that are in the public interest, such as:
 - Environmental sustainability
 - Inclusiveness and diversity
 - Social justice
 - Professional integrity and full disclosure

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

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.
-
- A. I, III
 - B. I, IV
 - C. I, III, IV
 - D. I, II, III, IV

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- A. I, III
- B. I, IV
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Sample Question

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 significantly different from 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 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 items B and D of the above list.

Sample Question

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 determine in good faith that our change of position will not cause present detriment to our previous client or employer.
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- 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 B and D of the above.

Sample Question

56. As the senior planner in the town's planning department, James argued successfully against any further nonresidential development within the town's recharge areas to its public wellfields. Five years later, as a consultant to a national shopping mall developer, James is aggressively pursuing a rezoning of 1,000 acres of land within the town's public water supply recharge areas.

Which of the following choices apply?

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