



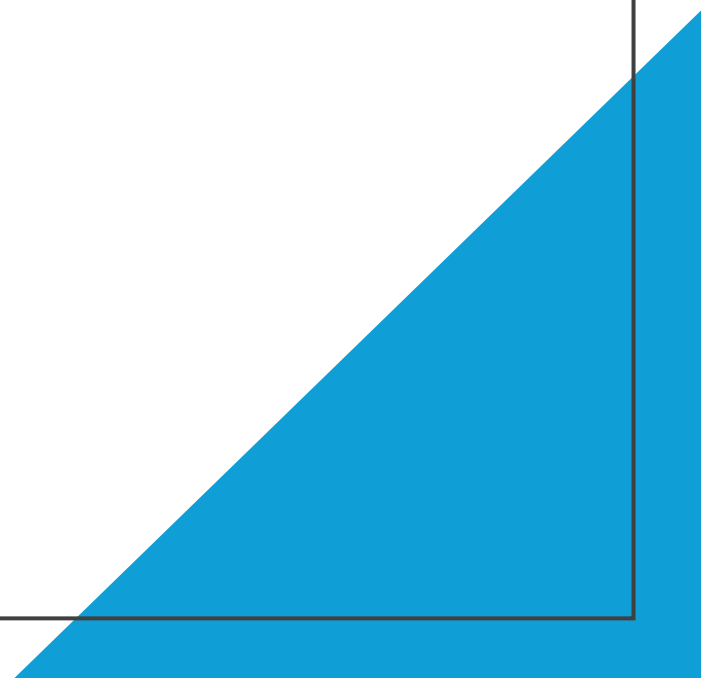
American Planning Association
Georgia Chapter

Making Great Communities Happen

AICP Exam Review

AICP Code of Ethics

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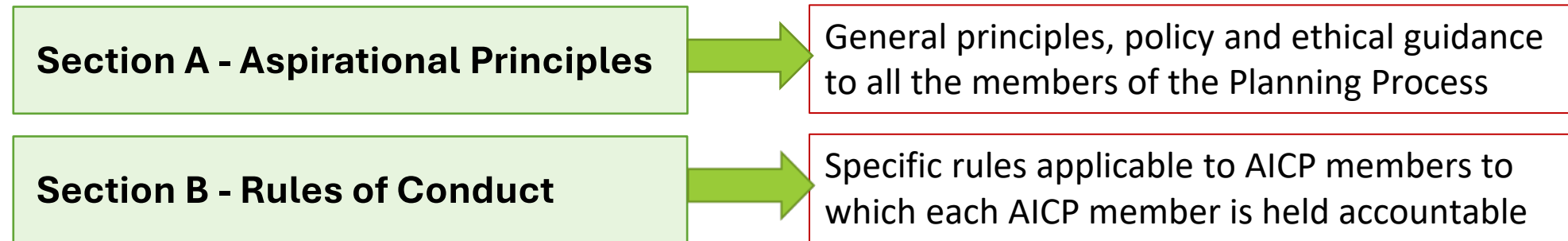
Exam Content Outline

- AICP Code of Ethics and Professional Conduct (10%)
 - Overall responsibility to the public
 - Responsibility to clients and employers
 - Responsibility to the Planning Profession and Colleagues
 - Responsibility of the planner to uphold AICP rules of conduct, compliance, and administration

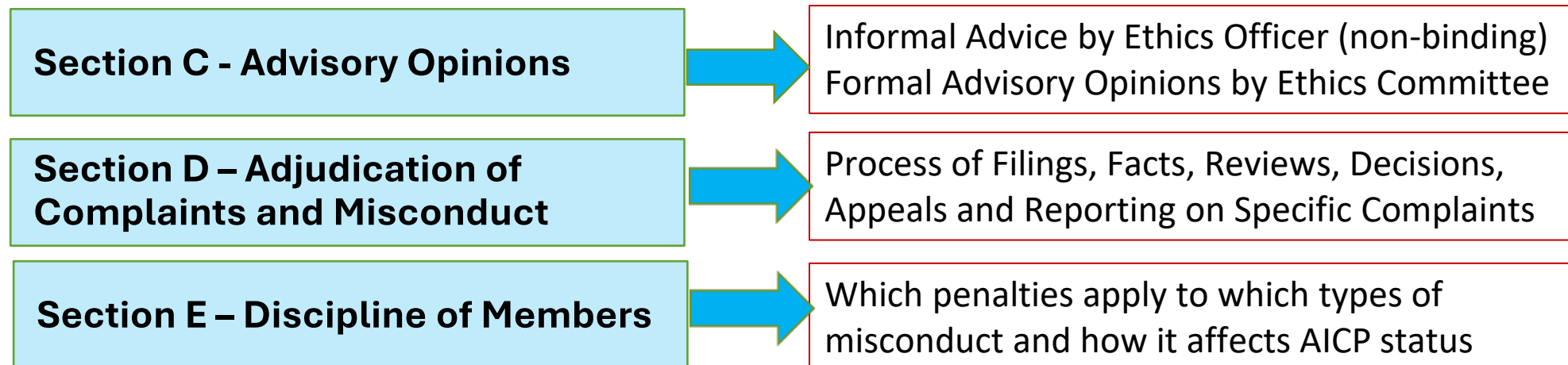
Approximately 15 questions, based on ONE source document

Conceptual Outline of AICP Code of Ethics and Professional Conduct

SUBSTANCE

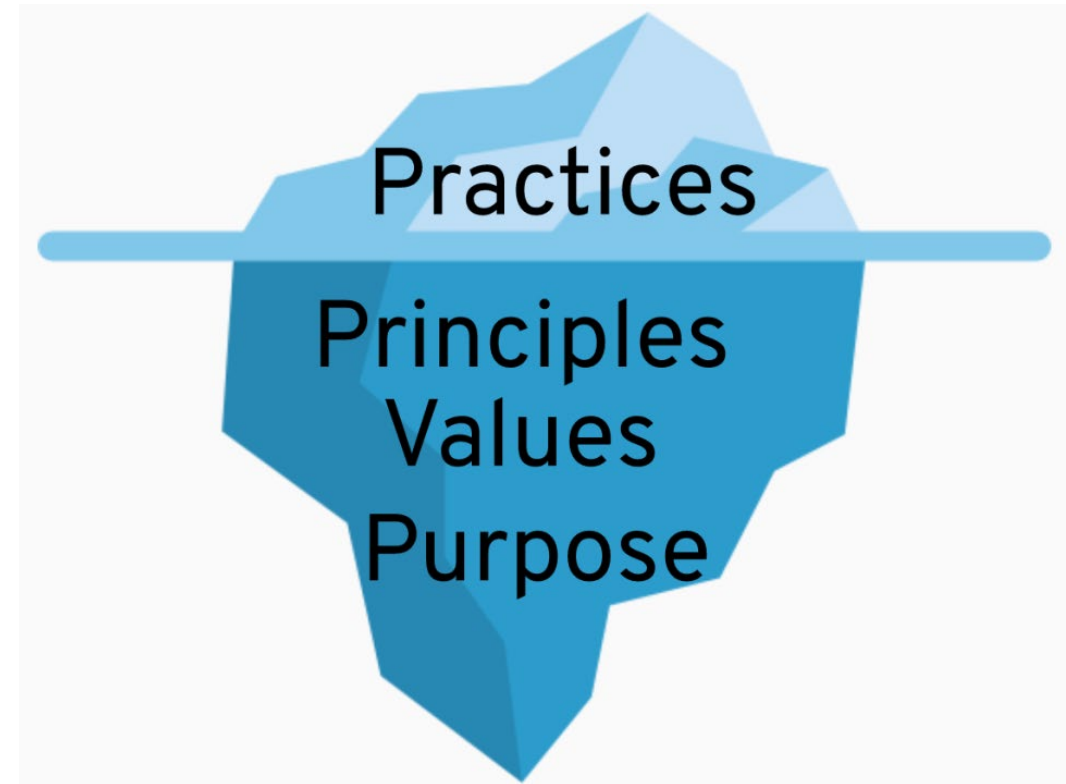


PROCEDURES



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 Planners 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 relate to rules

Principles

- Shall participate in the planning process with integrity



Rules

- Shall not fail to provide adequate, timely, clear, and accurate information on planning issues

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
- Tensions between competing legitimate interests or values

Principle 1: Participants in the planning process shall continuously and faithfully serve the public interest

- Examine our own cultures and biases
- Be conscious of the rights of others
- Develop communication skills especially with underrepresented groups
- Have special concern for long range consequences
- Pay special attention to interrelatedness of decisions and unintended consequences
- Incorporate equity principles as foundation of plans and implementation programs
- Systematically and critically analyze ethical issues in practice and develop systems to hold individuals and organizations accountable



Principle 2: Participants in the planning process shall do so with integrity

- Provide timely and accurate information to all affected persons, including the public and decision makers
- Facilitate exchange of ideas and ensure opportunities for meaningful participation
- Promote excellence in design, utilizing principles of sustainability and resilience and conserving the integrity of the natural and built environment
- Identify human and environmental consequences of alternative actions, both short and long term
- Enhance professional education and training
- Educate and empower the public about planning issues
- Describe and comment on other professionals' work in a fair and professional manner
- Respect rights of all persons and do not discriminate or harass others



Illustrative Question

- The Planning Director of a small city wants to get as much public input as possible on a city-wide study. Which of the following would be the LEAST effective method of stimulating citizen participation?
 - A. contacting neighborhood leaders, advising them of the study, and asking them to report neighborhood reaction
 - B. completing a draft of the study, printing the draft report, and asking for citizen comments on it
 - C. Preparing press releases that give the general scope of the study and asking for comments from the general public
 - D. Offering to address interested neighborhood or other civic groups on the subject of the study

Principle 3: Participants in the planning process shall work to achieve economic, social, and racial equity

- Create plans that ensure equitable access to resources and opportunities which support prospects for an enhanced quality of life
 - Unique responsibility to eliminate historic patterns of inequity tied to previous planning decisions
- Seek social justice by expanding choice and opportunity for all persons
 - Special responsibility to plan with those who have been marginalized or disadvantaged
- Recognize and mitigate impacts of existing plans and plan for investment in historically low income neighborhoods to ensure benefits defined by the local community. Promote increase in supply of affordable housing and improved facilities and services for all.
- Promote inherent rights of indigenous people and work with them on developments affecting their land and resources



Principle 4: Participants in the planning process shall safeguard the public trust

- Deal fairly with all participants
- Exercise fair, informed, and independent professional judgement
- Do not let official actions be influenced by personal relationships
- Serve as advocates only when client's objectives are legal and consistent with public interest
- Avoid even the appearance of a conflict of interest when accepting assignments
- Disclose all personal and pecuniary interests related to any planning process decision to be made
- Neither seek nor accept any gifts or favors, or offer any, where it might be inferred that they were intended to influence a decision maker in the planning process



Principle 4: Participants in the planning process shall safeguard the public trust

- Do not participate in any matter unless adequately prepared
- Do not deliberately commit a wrongful act which reflects adversely on the planning process
- Do not seek business by stating or implying ability or willingness to influence a decision by improper means
- Expose corruption wherever discovered



Principle 5: Practicing planners shall improve planning knowledge and increase public understanding of planning activities

- Contribute to development of and respect for our profession
 - Improve knowledge and techniques, and share results that contribute to body of planning knowledge
- Examine applicability of planning theories, methods, etc. to facts and analysis of each particular situation
- Strive to achieve high standards of professionalism and obtain professional education throughout one's career (i.e. AICP CM requirements)
- Expand recognition of the value of AICP and FAICP credentials
- Commit to advancement of planning profession
- Contribute time and effort to our communities through pro bono planning activities



Section B: Rules of Conduct



Code of Ethics *and* Professional Conduct

The American Institute of Certified Planners requires its members to adhere to the ethical standards of a detailed Code of Ethics and Professional Conduct.

THE PRINCIPLES TO WHICH WE ASPIRE ARE:

- To continuously pursue and faithfully serve the public interest
- ... with integrity

OUR RULES OF CONDUCT ADDRESS THE FOLLOWING:

- Quality and integrity of practice
- Conflicts of interest
- Improper influence/abuse of position
- Honesty and fair dealing
- ... to employer

We adhere to the following Rules of Conduct informed by the Aspirational Principles, and we understand that our Institute will enforce compliance with these rules. If we fail to adhere to these Rules we could receive sanctions, the ultimate being the loss of our certification

Quality and Integrity of Practice

- We shall not fail to provide adequate and timely information on planning issues
- We shall not accept an assignment that we know is illegal or in violation of this code
- We shall not accept work beyond our professional competence
 - May perform work under supervision of another competent professional
- We shall not accept work that we know cannot be performed with the promptness required
- We shall not direct or pressure others to make analyses or reach findings not supported by available evidence
- We shall not deliberately commit any wrongful act that reflects adversely on our professional fitness or the planning profession

Underlying principles:

- Participate in the planning process with integrity
 - Provide timely, adequate and accurate information on planning issues
- Safeguard the public trust
 - Exercise fair, informed, and independent judgement
 - Serve as an advocate only when client's objectives are legal and in the public interest
 - Do not commit a wrongful act which reflects adversely on the planning process

Ethics Scenario

A pro-development city manager tells you, the planner, that you must provide findings to support a shift in a natural resources boundary in order to accommodate a particular development. What might you do if your findings do not support the shift but there is pressure from the city manager to provide findings that are contrary to your findings?

Conflict of Interest

- We shall not as public officials or employees accept from anyone other than our employer any compensation, rebate, or other advantage that may be perceived as related to our public office or employment
- We shall not perform work on a project if, in addition to the agreed upon compensation, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household
 - Unless our employer consents in writing to the arrangement after full written disclosure from us
 - AND we make full disclosure of the potential conflict on public record at every meeting and in every written report related to the work

Underlying principles:

- Safeguard the public trust
 - Avoid a conflict of interest, or even the appearance of a conflict of interest
 - Disclose all personal and pecuniary interests regarding any planning process decision to be made
 - Neither seek nor accept any gifts or favors which may be inferred to be intended or expected to influence the decision making process

Illustrative Question

Each of the following may constitute a conflict of interest for a public planner under the AICP Code of Ethics EXCEPT:

- A. Accepting a gift from a local building firm
- B. Working for a developer who has an action before the Planning Board
- C. Applying for a Health Department permit to operate a stall at the Farmers' Market
- D. Processing a rezoning application for property the public planner owns

Improper Influence/Abuse of Position

- We shall not engage in private communications with planning process participants if the discussions relate to a matter over which we have authority to make a binding, final determination
- We shall not engage in private communications with decision makers where prohibited by law or agency rules or customs
- We shall not solicit prospective clients through use of false or misleading claims nor shall we imply an ability to improperly influence a decision
- We shall not use the power of any office to seek or obtain special advantage that is not a matter of public knowledge or not in the public interest

Underlying principles:

- Participate in the planning process with integrity
 - Ensure people have the opportunity for meaningful participation in the development of plans and programs that may affect them
- Safeguard the public trust
 - Do not seek business by stating or implying the ability or willingness to influence decisions by improper means
 - Neither seek nor accept any gifts or favors which may be inferred to be intended or expected to influence the decision making process

Honesty and Fair Dealing

- We shall not disclose or use to our advantage information gained in a professional relationship that the client or employer has requested to be held inviolate or that we should recognize as confidential except when required by process of law or to prevent substantial injury to the public
- We shall not deliberately misrepresent qualifications, view, or findings of other professionals
- We shall not misstate our education, experience, training, etc. related to our professional qualifications
- We shall not use the product of others' efforts to seek professional recognition or credit intended for producers of original work
- We shall not fail to disclose the interests of our client or employer when participating in the planning process nor shall we participate in efforts to conceal the true interests of our client or employer

Underlying principles:

- Participate in the planning process with integrity
 - Describe and comment on the work and views of other professionals in a fair and professional manner
- Safeguard the public trust
 - Deal fairly with all participants in the planning process
 - Participate in a matter only when adequately prepared and able to render thorough and diligent services
 - Serve as an advocate only when the client's objectives are legal and consistent with the public interest
- Improve planning knowledge and increase public understanding of planning activities
 - Strive to achieve high standards of professionalism and professional development

Responsibility to Employer

- We shall not undertake other employment in planning or a related profession without having made full written disclosure to the employer who furnishes our pay and having received written permission unless our employer has a written policy permitting such employment without consent
 - In no case shall such outside work create an actual conflict of interest
- We shall not accept an assignment from a client or employer to publicly advocate a position on a planning issue that is significantly different to a position we publicly advocated for within the past 3 years
 - UNLESS we determine in good faith that our change of position will not cause detriment to the previous client
 - AND we make full written disclosure of the conflict to our previous client

Underlying principles:

- Participate in the planning process with integrity
 - Provide timely, accurate information on planning issues to all affected persons
- Safeguard the public trust
 - Serve as an advocate only when the client's objectives are legal and consistent with the public interest
 - Exercise fair, honest, and independent professional judgement
 - Avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments

Illustrative Question

Mark was asked by the local Chamber of Commerce to present his views on economic development versus environmental protection, a topic of great debate in the community. As planning director, Mark has developed a reputation of being an environmentalist, often at odds with the Chamber. Moreover, Mark's job is in serious danger as the planning board lost three of Mark's strongest supporters in yesterday's election, a week after he agreed to speak before the Chamber.

Before the election, Mark had intended to focus on environmental protection from a naturalist's viewpoint. Now, with his job in jeopardy, Mark has decided to shift his focus to the economic benefits of environmental protection. Which of the following best characterizes his decision?

- A. It violates an aspirational principle of the AICP Code of Ethics
- B. It is in violation of the Rules of Conduct of the AICP Code of Ethics
- C. It is not in violation of the AICP Code of Ethics
- D. Both A and B

Discrimination/Harassment

- We shall not commit or ignore an act of discrimination or harassment



Underlying principles:

- Continuously pursue and faithfully serve the public interest
 - Be conscious of the rights of others
- Participate in the planning process with integrity
 - Respect the rights of all persons and groups and do not discriminate against or harass others
 - Facilitate the exchange of ideas and opportunities for meaningful participation. Attention and resources should be given to issues of diversity, equity, and inclusion and should reflect the diversity of the community
- Safeguard the public trust
 - Deal fairly with all participants in the planning process

Bringing a Charge/Lack of Cooperation with Ethics Officer

- We shall not withhold cooperation or information from the AICP Ethics Officer or ACIP Ethics Committee if a charge of ethical misconduct is filed against us or if it is determined that we have information relevant to a charge filed against another AICP member
- We shall not harass, retaliate, or threaten retaliation against a person who has filed a charge of ethical misconduct or who is cooperating in the Ethics Officer's investigation
- We shall not use the AICP ethics process for any inappropriate purpose, including filing or threatening to file a complaint for personal, pecuniary, or professional gain or filing of a meritless complaint
- We shall not fail to immediately notify the Ethics Officer by Certified and Regular First-Class Mail if we are convicted of a "serious crime" as defined in Section E; nor immediately following such conviction shall we represent ourselves as AICP members until membership is reinstated by the Ethics Committee

Underlying principles:

- Participate in the planning process with integrity
 - Describe and comment on the work and views of other professionals in a fair and professional manner
 - Respect the rights of all persons and do not discriminate against or harass others
- Safeguard the public trust
 - Do not deliberately commit a wrongful act which reflects adversely on the planning process

Illustrative Question

The Rules of Conduct of the AICP 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 use 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

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.”

Informal advice

- Given orally
- Not binding on AICP

Formal advisory opinion

- May not concern past conduct that may be subject to charge of misconduct
- Any member may use the advisory opinion as a defense if they are subsequently charged with misconduct

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.

Illustrative Question

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

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

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



Resources

- **AICP Certification Exam Outline**
- **AICP Code of Ethics**
- **Ethical Principles in Planning**
- **Ethics Cases of the Year**
- **APA Exam Prep Videos**

Study Hard and Good Luck!