

AICP Code of Ethics and Professional Conduct

(Edited by Carol Barrett for Presentation)

Adopted March 19, 2005

Effective June 1, 2005

Recent History

- 1978 Code adopted when AIP and APA merged. Collaborative multi-year process including outreach to the membership.
- 1992 Statement of Ethical Principles adopted for all participants in the planning process. Similar process.
- 2001 Government Law Center of Albany Law School assessed Code. Salkin Report.
- Committee appointed to review Salkin report and make recommendations.
- AICP received recommendations and committee appointed to work on drafting.
- Commission determined to undertake work itself.
- Public hearing at national conference. Draft language published in Planning Magazine. Adopted March, 2005.

- *The Executive Director of APA/AICP is the Ethics Officer as referenced in the following.*
- Our Code is divided into three sections:
- Section A contains a statement of aspirational principles that constitute the ideals to which we are committed. 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. We shall be subject to the imposition of sanctions that may include loss of our certification.
- Section C contains the procedural provisions of the Code.

- 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.
- We want the public to be aware of the principles by which we practice our profession in the quest of that goal. We sincerely hope that the public will respect the commitments we make.

A: Principles to Which We Aspire

1. Our Overall Responsibility to the Public

- Our primary obligation is to serve the public interest. We shall achieve high standards of professional integrity, proficiency, and knowledge.

- a) Be conscious of the rights of others.
- b) Have special concern for the long-range consequences of present actions.
- c) Pay special attention to the interrelatedness of decisions.
- d) Provide timely, adequate, clear, and accurate information.
- e) Give people the opportunity to have a meaningful impact on the development of plans. Include those who lack formal organization or influence.

- f) Seek social justice by working to expand choice and opportunity for all persons. Promote racial and economic integration. Urge the alteration of policies, institutions, and decisions that oppose such needs.
- g) Promote excellence of design and conserve and preserve the integrity and heritage of the natural and built environment.
- h) Deal fairly with all participants in the planning process.

2. Our Responsibility to Our Clients and Employers

- We owe diligent, creative, and competent performance of the work consistent with our faithful service to the public interest.

- a) Exercise independent professional judgment.
- b) Accept the decisions of our client or employer unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest.
- c) Avoid a conflict of interest or even the appearance of a conflict of interest.

3. Our Responsibility to Our Profession and Colleagues

- Contribute to the development of, and respect for, our profession and increase public understanding of planning activities.
 - a) Protect and enhance the integrity of our profession.
 - b) Educate the public about planning issues.

- d) Share the results of experience and research.
- e) Examine the applicability of planning theories, methods, and research to the facts and not accept the applicability of a customary solution.
- f) Contribute time and resources to the professional development of others.

- g) Increase opportunities for members of underrepresented groups to become professional planners.
- h) Enhance our professional education and training.
- i) Analyze ethical issues in the practice of planning.
- j) Contribute time and effort to groups lacking planning resources.

24 Statements in the Rules of Conduct

- Patti Salkin organizes them under:
 1. Conduct that is in essence illegal.
 2. Conduct that is less than truthful.
 3. Conduct that is not professional.
 4. Conduct that, in general, would cause a lack of public confidence.

B. Our Rules of Conduct

- If we fail to adhere to these Rules, we could receive sanctions, the ultimate being the loss of our certification:
 1. Provide timely, clear and accurate information on planning issues.
(Deliberate or reckless indifference.)
 2. Not accept an assignment that involves conduct that we know to be illegal or in violation of these rules.

3. Not accept an assignment to publicly advocate a position on a planning issue that is adverse to a position we publicly advocated for a previous client or employer within the past three years

unless (1) we determine that our change of position will not cause present detriment, and (2) we make written disclosure of the conflict and receive written permission to proceed.

4. Not, as salaried employees, undertake other employment without having made full written disclosure to having received written permission.

5. Not, as public officials or employees, accept from anyone other than our public employer any compensation, or advantage that may be perceived as related to our public office or employment.

6. Not perform work on a project if, in addition to the agreed upon compensation, there is a possibility for direct gain to us, our family members, or persons in our household, *unless our employer consents.*
7. Not use to our personal advantage, information gained in a professional relationship. Not disclose confidential information.

8. Not, as public officials or employees, 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 if such private communications are prohibited by law or by agency rules, procedures, or custom.
9. Not engage in private discussions with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or custom.

10. Not misrepresent the qualifications, views and findings of other professionals.
(deliberate or reckless indifference)
11. Not solicit prospective clients or employment through use of false or misleading claims.
12. Not misstate our education, experience or training.
13. Not sell services by stating or implying an ability to influence decisions by improper means.

14. Not use the power of any office to seek or obtain a special advantage.
15. Not accept work beyond our professional competence.
16. Not accept work that we know cannot be performed with promptness.
17. Not use the product of others' efforts to seek professional recognition.
18. Not coerce other professionals.

19. Not fail to disclose the interests of our client or employer when participating in the planning process.
20. Not unlawfully discriminate against another person.
21. Not withhold cooperation or information from the AICP Ethics Officer if a charge has been filed.
22. Not retaliate against a person who has filed a charge of ethical misconduct against us.

23. Not threaten to file an ethics charge.
24. Not file a frivolous charge of ethical misconduct.
25. Not commit any wrongful act that reflects adversely on our professional fitness.
(Deliberate or reckless indifference)

What's new in the Code

- Specific reference to social justice added to principles.
- Specific statement that aspirational standards cannot be enforced.
- Disagree that contributing time and resources to groups could not be enforced.
- More guidance for public sector planners.
- More procedures and time frames.
- Harder to enforce? My opinion.

What's Not in the Code

- Removed prohibition against revolving door. One year cooling off period gone.
- Prohibition against sexual harassment deleted.
- Women deleted from specific listing of those needing helping entering and advancing in the profession.
- Advisory rulings not being published – not sure what happened to the old ones. Assume it means they are not needed.
- Need a definition sections.
- Would help to have interpretive guidelines.

C. Our Code Procedures

- Informal advice – from the Ethics Officer. Not in writing. Not binding.
- Formal advice – from the Ethics Officer. Request in writing. Sufficient details.
- Advisory rulings may be published if determined by the Ethics Committee.
- Filing a Charge of Misconduct – against AICP member. In writing. May be anonymous.

- Receipt of charge by Ethics Officer – Maintain a log.
- Right of counsel
- Preliminary Response to Charge – 30 days to respond.
- Conduct an investigation – determination by Ethics Officer. Investigation by AICP Staff or AICP Counsel.

- Dismissal of charge or issuance of complaint.
- Appeal of dismissal.
- Answering a complaint – 30 days.
- Conducting a hearing – if facts are in dispute. Ethics Committee appoints Hearing Officer. Ethics Officer has burden of proving by a preponderance of evidence.

- Deciding the case – Ethics Committee. Also determines the appropriate sanction – reprimand, suspension, or expulsion. Ethics Committee decision to be final.
- Settlement of Charges – allow for withdrawal of complaint.
- Resignation and reinstatement.
- Lapses of membership.

ETHICS QUIZ

(Please circle the Letter of the most correct answer)

1. A planner's primary obligation is:		
a. To be conscious of the rights of others.	b. To serve the public interest.	c. To protect the environment.
2. Which of the following is NOT a characteristic of a profession?		
a. Responsibility to the public.	b. Self-regulation.	c. High salary.
3. A developer contacts you with an opportunity to use your expertise as a paid consultant in a matter not pertaining to your employer's jurisdiction. You would work only on weekends. You should:		
a. Before accepting the job, notify your supervisor and personnel department.	b. Accept the job.	c. Accept the job, but only in your spare time position.
4. Since budgets are over you have been directed by your supervisor to charge your time to a different project. What do you do?		
a. Do as directed by your supervisor.	b. Explain to your supervisor that is unethical and may be fraudulent.	c. Refuse and report the issue.
5. You have one final project to do to complete your master's degree at a local university. You are assigned an advisor for this project who happens to have been a consultant whose work has been reviewed by your employer in the past. There is a potential that this advisor may again be active on development projects under your employer's jurisdiction in the future. What do you do?		
a. Keep the advisor.	b. Get another advisor.	c. Get another advisor, but ask the first advisor if he/she would be available for technical advice/guidance if necessary.
6. You discover an AICP planner who was recently hired in a position for which you, yourself, applied, claimed on his employment application that he/she had work experience in a particular planning area, but did not. What do you do?		
a. Discuss the matter with your supervisor.	b. Do nothing.	c. Discuss the matter with the AICP Ethics Officer.
7. A group of county planners participated in a charity golf tournament. Besides the prizes for lowest score, closest to the hole, etc., a sponsor supplied a large Waterford crystal vase, a set of golf clubs, and a weekend getaway package for a drawing. The sponsor is a developer who has active projects that your department is reviewing. The drawing is done behind closed doors. Much to your surprise, two prizes go to county planners. What should you do?		
a. Thank the sponsor, but request a public redrawing.	b. Do nothing.	c. After the tournament, request your lucky teammates to donate the gifts to charity.
8. Which of the following is an actual conflict of interest?		
a. Voting in a public election on an environmental issue that directly affects your consulting business.	b. Making staff recommendations to the Development Review Committee on a site plan that you developed when you were previously employed in the private sector.	c. Accepting a coffee mug with a planning consultant's business logo at the vendor's area of a conference.
9. You are presenting the preliminary work of a planning study at the Texas APA conference. One of your colleagues has just completed analysis of the collected data two days prior to the presentation and has agreed to let you use the results. You add a slide to your PowerPoint presentation using this data. Your colleague's name is not on the paper because the abstract was prepared three months prior to the conference. What is the most appropriate way to recognize the contribution?		
a. Mention in your talk that the analysis was performed by your colleague.	b. There is no need to recognize your colleague's contribution because she/he agreed to let you use the results.	c. Add a statement on the PowerPoint slide that names your colleague as the source of the data.
10. Planners are encouraged to seek informal ethics advice from the Ethics Officer. Who is the Ethics Officer referred to in the AICP Code of Ethics?		
a. Executive Director of the Texas Chapter of the American Planning Association.	b. Professional Development Officer of the Texas Chapter of the American Planning Association.	c. Executive Director of the American Planning Association.