

AICP Code of Ethics & Professional Conduct

2023 Upstate APA Mini-Conference

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Cornell AAP
Architecture Art Planning



The American Planning Association's
Professional Institute

**American Institute
of Certified Planners**

Creating Great Communities for All

- AICP members can earn Certification Maintenance (CM) credits for this activity.
- AICP members must be in attendance for the duration of the event in order to receive CM Credit.
- More information about AICP's CM program can be found at www.planning.org/cm.
- AICP CM number for the conference is #9275913.



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Ethics

1.5 CM Credit / 1 Credit for AICP Ethics Requirement

Learning Objectives

- Overview of the AICP Code of Ethics and its application in the profession
- Identify and discuss ethical violations that occurred during the skit and their importance to planning and landscape professionals
- Review example AICP ethics cases from 2022.

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Text the phrase
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AICP Code of Ethics & Professional Conduct*

- Aspirational** → • Section A: statement of aspirational principles;
- Mandatory/
Sanctionable** → • Section B: rules of conduct to which members of AICP are held accountable;
- Procedural** [• Section C: procedural provisions for advisory opinions;
• Section D: procedural provisions for investigating and adjudicating complaints;
• Section E: contains procedural provisions regarding the forms of disciplinary actions.

* *As revised November 2021*

AICP Code of Ethics & Professional Conduct



Solid working knowledge of the Code of Ethics & Professional Conduct critical.

Section B : Rules of Conduct



Discrimination/Harassment

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

Section B : Rules of Conduct

Quality and Integrity of Practice

- We shall not deliberately fail to provide adequate, timely, clear and accurate information on planning issues;
- We shall not accept an assignment that involves conduct that we know to be illegal or in violation of this Code;
- We shall not accept work beyond our professional competence, unless such work will be performed under supervision of a competent professional.

Section B : Rules of Conduct

Quality and Integrity of Practice

- We shall not accept work that we know cannot be performed with the promptness required by the client, or the circumstances of the assignment;
- We shall not direct or pressure other professionals 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.

Section B : Rules of Conduct

Improper Influence/Abuse of Position

- As public officials/employees, we shall not engage in private communications with planning process participants in discussions related to a matter over which we have authority to make a determination.
- Except in certain circumstances* we shall not perform work on a project for a client or employer if there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household.

* See AICP Code of Ethics and Professional Conduct for details of circumstances.

Section B : Rules of Conduct

Improper Influence/Abuse of Position

- We shall not engage in private communications with decision makers in the planning process in any manner prohibited by law agency rules, procedures, or custom.
- We shall not solicit prospective clients or employment through use of false or misleading claims, nor shall we, imply an ability to improperly influence decisions.
- We shall not use the power of any office to seek or obtain a special advantage that is not a matter of public knowledge or is not in the public interest.

Section B : Rules of Conduct

Honesty and Fair Dealing

- We shall not disclose or use to our advantage, nor that of a subsequent client or employer, information gained in a professional relationship that we should recognize as confidential or inviolate.*
- We shall not deliberately misrepresent the qualifications, views and findings of other professionals.

* except when disclosure is required: 1) by process of law, or 2) to prevent a clear violation of law, or 3) to prevent a substantial injury to the public.

Section B : Rules of Conduct

Honesty and Fair Dealing

- We shall not misstate our education, experience, training, or any other facts which are relevant to our professional qualifications.
- We shall not use the product of others' efforts to seek professional recognition, credit, or acclaim intended for producers of original work.

Section B : Rules of Conduct

Honesty and Fair Dealing

- We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.

Section B : Rules of Conduct

Responsibility to Employer

- We shall not undertake other employment in planning or a related profession without having made full written disclosure to our employer and having received subsequent written permission to undertake additional employment.*
- We shall not undertake other employment in planning or a related profession that would create a conflict of interest.

* except when our employer has a written policy permitting such employment without consent .

Section B : Rules of Conduct

Responsibility to Employer

- 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 a previous client or employer within the past 3 years, unless:
 - we determine in good faith our change of position will not cause present detriment to our previous client or employer, and
 - we make full written disclosure of the conflict to our previous and current client or employer.

2023 Ethics Cases of the Year

Disclaimer

This session has been created to provide general education regarding the AICP Code of Ethics.

Although ethical scenarios and question-and-answer sessions are an important part of illustrating the application of the Code's provisions, all certified planners should be aware that only the AICP Ethics Committee is authorized to give formal advice on the propriety of a planner's proposed conduct.

If you have a question regarding a situation in your own professional practice, you are encouraged to seek informal advice from the AICP Ethics Officer (ph: 312-786-6360; email: ethics@planning.org).



Ethical Misconduct Cases in 2022

9 Cases Dismissed

No justification to file a charge or planner not AICP (8 cases)

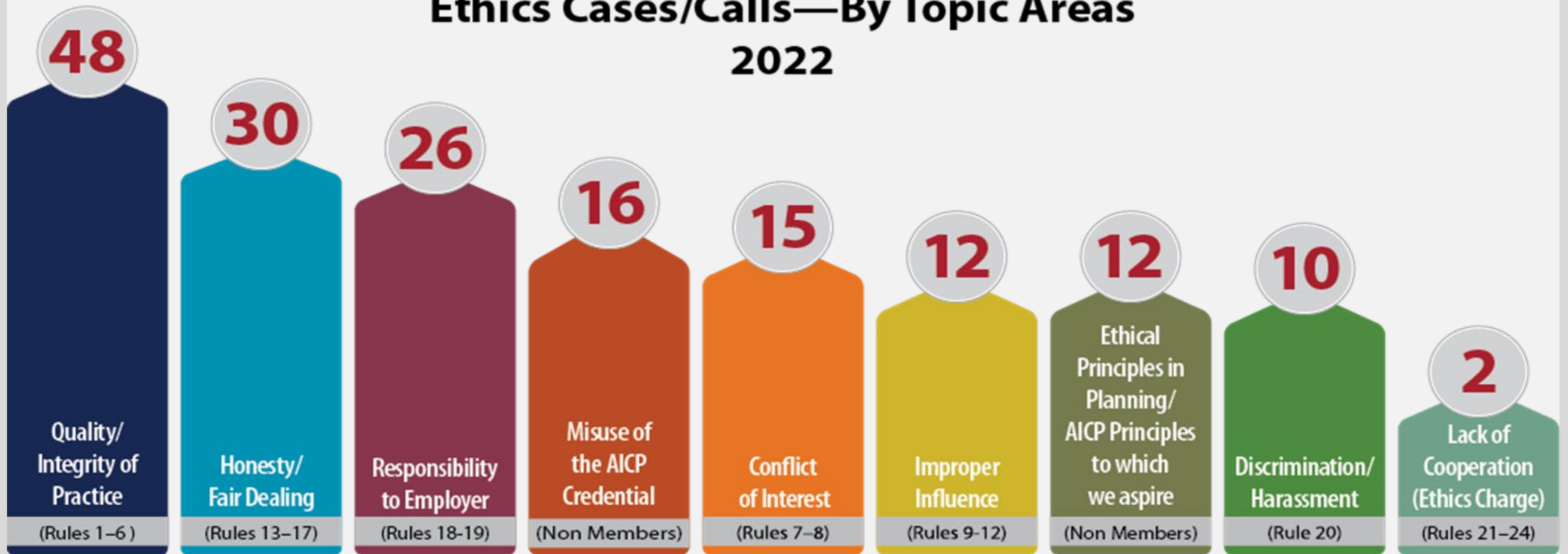
Preliminary charge filed (1 case)

10 Cases Resulted in Disciplinary Actions

- Cease and desist letters issued (7 cases) for misuse of the AICP credential;
- Confidential Letters of Admonition (2 cases) for “wrongful conduct:” 1) for plagiarism and misrepresentations of information in a planning report; and 2) for committing a wrongful act reflecting adversely on the profession;
- Public Letter of Admonition and Revocation of FAICP credential (1 case) for sexual harassment.

Ethics Topics in 2022

Ethics Cases/Calls—By Topic Areas 2022

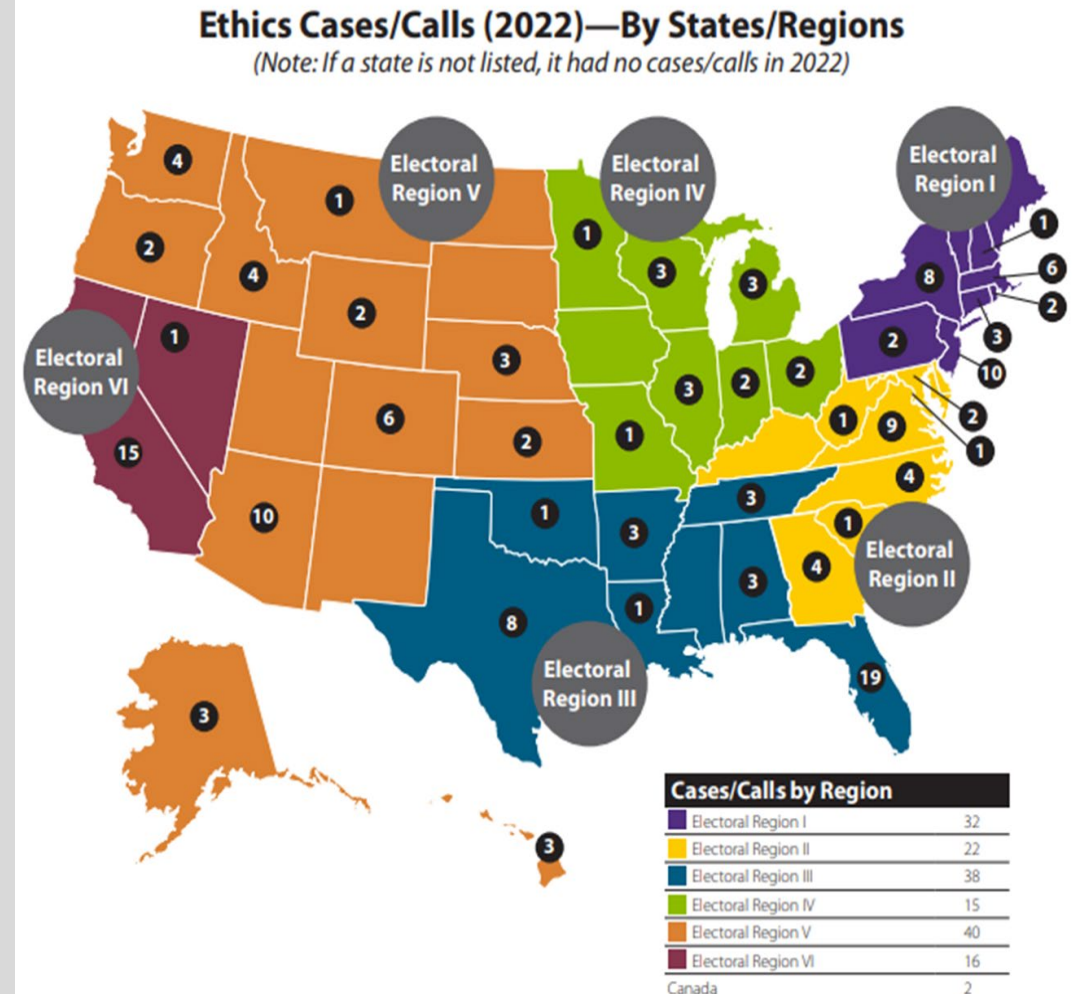


Additionally, there were 29 requests for assistance and miscellaneous questions unrelated to the Code of Ethics.

Cases/Inquiries of the Year

The following scenarios were based on misconduct complaints or informal inquiries reviewed by the Ethics Officer and the Ethics Committee in 2022.

Although the scenarios are based on real-life situations, all of the names, details, and locations are fictional.



Scenario 1: Sexual Harassment

- Harry, FAICP - a respected leader in his APA Chapter regularly attended chapter events, presented at chapter conferences, and served as a mentor.
- One of Harry's mentees found his actions to be disturbing and complained of sexual harassment.
- After repeated requests to stop, the mentee left the chapter because she felt unsafe.
- Other women also felt uncomfortable and unsafe.

Scenario 1 : Sexual Harassment

- A witness to one of these incidents filed a complaint with the AICP Ethics Officer. The witness asked to remain anonymous.
- Working with the witness, The Ethics Officer investigated the charge talking with women who were also harassed by Harry. All conversations were held in strict confidence.
- The Ethics Officer concluded that sexual harassment had taken place at APA chapter events.

Scenario 1: Question

- Is Harry guilty of violating the Code of Ethics if the complaints were filed anonymously?
 - Yes
 - No
 - Not Sure



Is Harry guilty of violating the Code of Ethics if the complaints were filed anonymously?

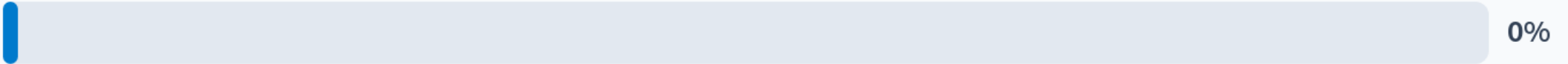
Yes

No

Not Sure

Is Harry guilty of violating the Code of Ethics if the complaints were filed anonymously?

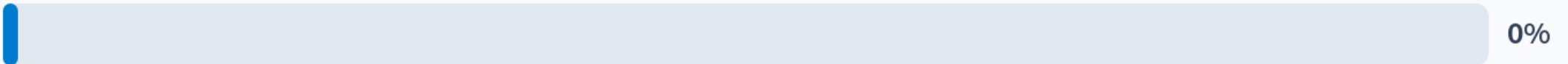
Yes



No

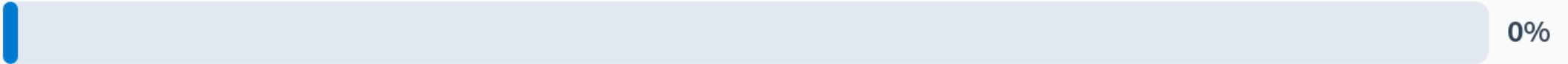


Not Sure

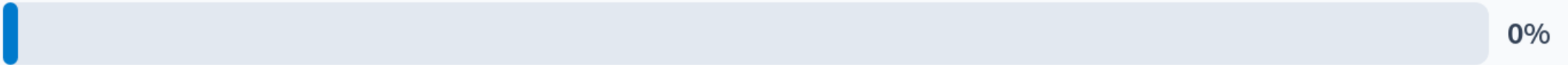


Is Harry guilty of violating the Code of Ethics if the complaints were filed anonymously?

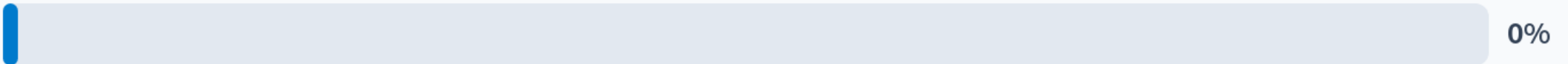
Yes



No



Not Sure



Scenario 1: Ethical Issues

AICP Ethics Code “Principles to Which We Aspire”

A.1.a: “Examine our own cultures, practices, values, and professional positions in an effort to reveal and understand our conscious and unconscious biases and privileges as an essential first step so we can better serve a truly inclusive public interest promoting a sense of belonging.

A.2.h: “Respect the rights of all persons and groups and do not discriminate against or harass others.”

Scenario 1: Ethical Issues

AICP Ethics Code “Rules of Conduct:

- 6: A certified planner “shall not deliberately commit any wrongful act, whether or not specified in the Rules of Conduct that reflects adversely on our professional fitness or the planning profession”
- 20: A certified planner “shall not commit or ignore an act of discrimination or harassment.”

Scenario 1: Real-Life Outcome

- In the real life case on which this scenario is based, the Ethics Officer (EO) charged Harry with violation of the AICP Code of Ethics Rule #6, wrongful acts.
- Harry was not charged under Rule #20, discrimination or harassment, because these incidents took place prior to when this Rule went into effect.

Scenario 1: Real-Life Outcome

- Ethics Officer issued a “Public Letter of Admonition” and recommended that Harry be suspended indefinitely as a member of AICP (and FAICP).
- Harry appealed the decision to the Ethics Committee, which upheld the decision of the Ethics Officer.
- Harry’s AICP and FAICP credentials were removed and he was the subject of a public notification in APA’s Interact online newsletter.

AICP Code of Ethics – Impact of the New Code (effective Jan. 2022)

Section B. Rules of Conduct (new):

20. We shall not commit or ignore an act of discrimination or harassment.
22. We shall not harass, retaliate, or threaten retaliation against a person who has filed a charge of ethical misconduct against us or another planner, or who is cooperating in the Ethic Officer's investigation of an ethics charge.

APA Action on Sexual Harassment

- APA does not tolerate harassment of any type.
- It is violation of the AICP Code of Ethics to ignore an act of discrimination or harassment.
- The Ethics Officer is available to discuss possible complaints, or to provide advice. Members are advised to not deal with this alone.
- APA created a Pledge Against Sexual Harassment that all members are encouraged to sign.

APA Action on Sexual Harassment

- APA has provided a statement and resources for APA members and staff.
- APA appointed Task Force of the APA Board to continue making enhancements to processes for dealing with harassment and discrimination.
- The AICP Ethics Committee is reviewing the Adjudication of Ethical Complaints process for possible improvements
- Everyone at APA is committed to confidentiality, protecting victims, and conducting a thorough investigation

Scenario 2.1: Conflict of Interest

- Samuel, an AICP planner, is the planning director for Anytown, a city of 45,000 in a developing area of 500,000.
- His wife, Geri, is also an AICP planner who works remotely for Planning Wizards (PW), a planning and development consulting firm.
- Anytown has published an RFP/RFQ seeking consultants to take the lead in completing the ten-year rewrite of their comprehensive plan.

Scenario 2.1: Conflict of Interest

- Planning Wizards asked Geri to develop a response to the RFP.
- Eight responses were received to this RFP/RFQ and the town manager directed Samuel to screen them down to three for in person/zoom interviews based on the criteria listed in the RFP/RFQ.



Scenario 2.1: Conflict of Interest

- Recognizing that one of the applications was submitted by his wife's firm (with his wife as lead), how does Samuel proceed?
- What ethical issues are involved? How might they be resolved?



Scenario 2.1: Questions

Q 1: How should Samuel proceed?

- He should recuse himself from the RFP review;
- He should participate in the RFP review but not evaluate PW's proposal;
- Not Sure.



How should Samuel proceed?

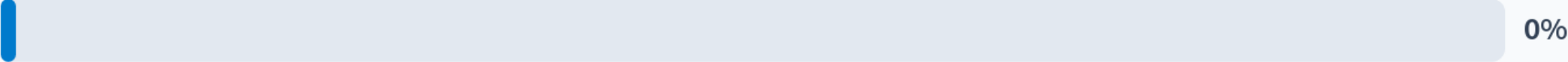
He should recuse himself from the RFP review.

He should participate in the RFP review but not evaluate PW's proposal.

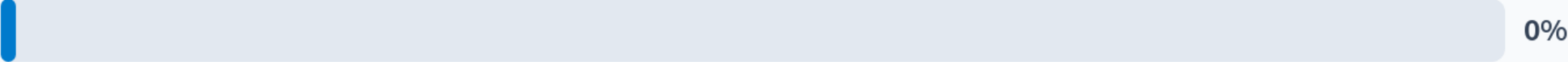
Not sure

How should Samuel proceed?

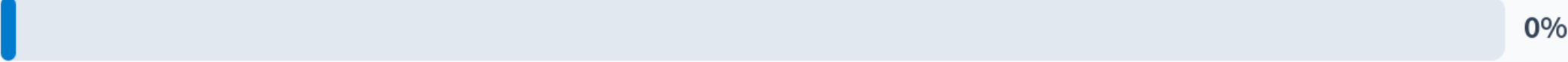
He should recuse himself from the RFP review.



He should participate in the RFP review but not evaluate PW's proposal.

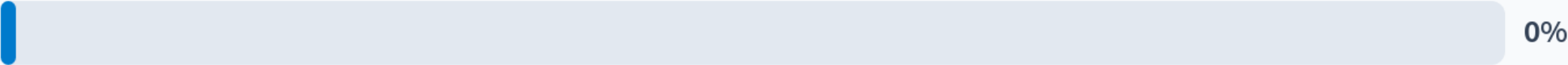


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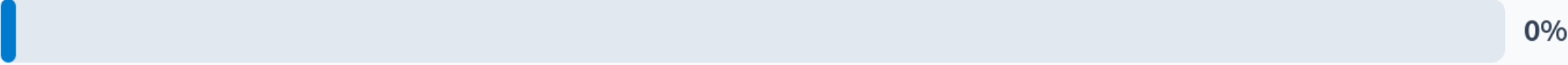


How should Samuel proceed?

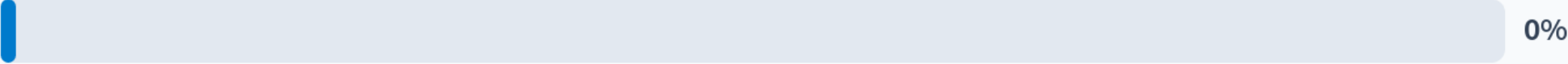
He should recuse himself from the RFP review.



He should participate in the RFP review but not evaluate PW's proposal.



Not sure



Scenario 2.1: Questions

Q2: Is it a violation of the AICP Code of Ethics for Samuel to review the RFPs?

- Absolutely
- Not really
- Not Sure



Is it a violation of the AICPA Code of Ethics for Samuel to review the RFPs?

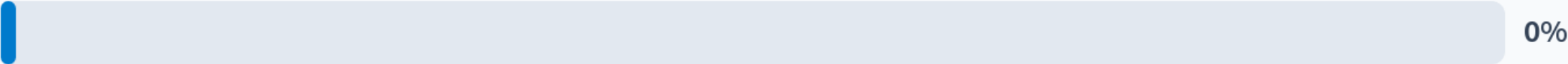
Absolutely

Not really

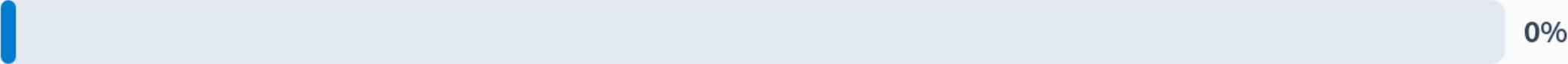
Not sure

Is it a violation of the AICPA Code of Ethics for Samuel to review the RFPs?

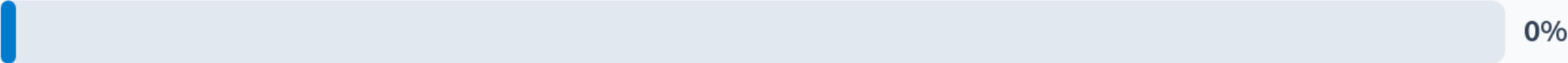
Absolutely



Not really

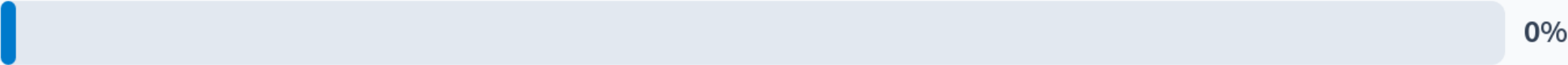


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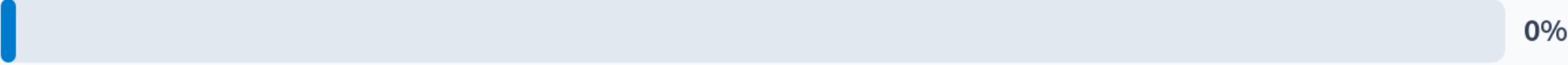


Is it a violation of the AICPA Code of Ethics for Samuel to review the RFPs?

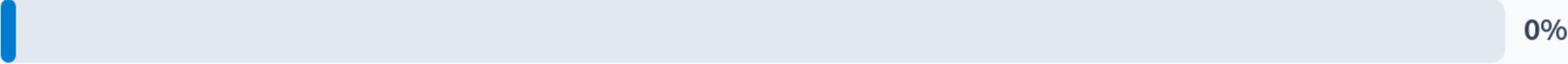
Absolutely



Not really



Not sure



Scenario 2.1: Ethical Issues

A. Aspirational Principles:

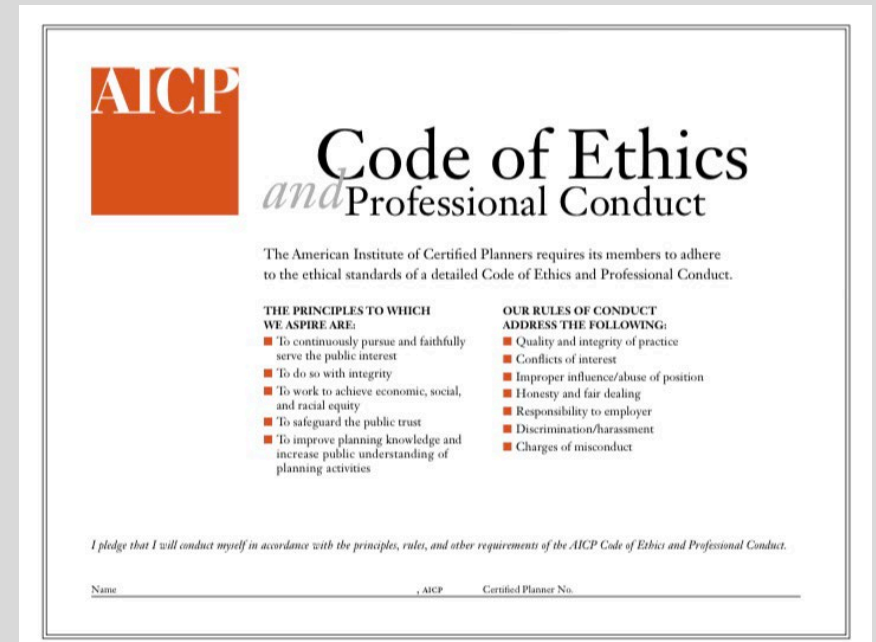
- 4.3: Public trust – Don't let any official action be influenced by personal relationships.
- 4.5: Public trust – Avoid conflict of interest or even the appearance of a conflict in accepting assignments.
- 4.6: Public trust – Disclose all personal any pecuniary interests considered broadly and avoid being involved in such decisions.

Scenario 2.1: Ethical Issues

A. Aspirational Principles:

4.9: Do not commit a wrongful act which reflects adversely on the planning process.

4.10: Do not seek business by stating or implying the ability to influence decisions by improper means.



Scenario 2.1: Ethical Issues

B. Rules of Conduct:

- 8: Conflict of interest – do not accept work if there is a possibility for direct personal or financial gain to us, our family etc. without full disclosure prior and during the process.
- 9: Improper influence/abuse of position – do not engage in private communications if we have authority to make final determination.
- 13: Honesty and fair dealing – we shall not disclose or use to our advantage any confidential information.

Scenario 2.1: Ethical Issues

What option(s) are ethical?

- A. Geri puts a team together and submits an application to Anytown for the work. The City includes Samuel on the review team.
- B. Samuel recuses himself from the review of applications, with Geri's application in the mix.
- C. Geri recuses herself from the team and PW submits a proposal.
- D. PW does not submit a proposal.

What options are ethical?

Geri puts a team together and submits an application to Anytown for the work. The City includes Samuel on the review team.

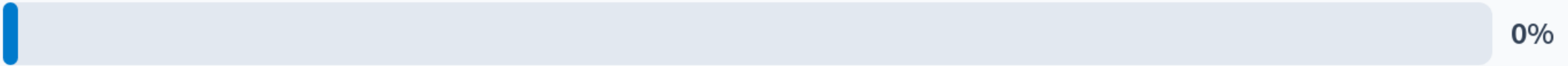
Samuel recuses himself from the review of applications, with Geri's application in the mix.

Geri recuses herself from the team and PW submits a proposal.

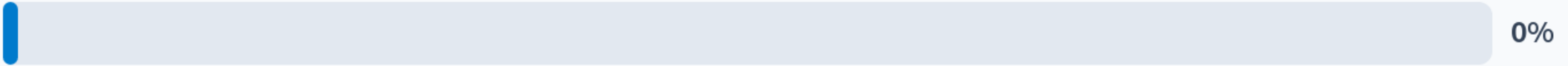
PW does not submit a proposal.

What options are ethical?

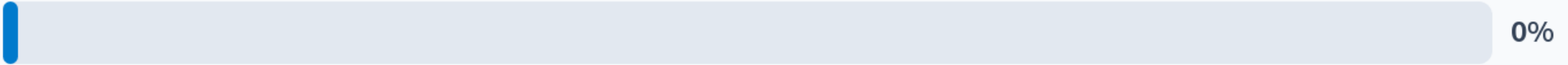
Geri puts a team together and submits an application to Anytown for the work. The City includes Samuel on the review team.



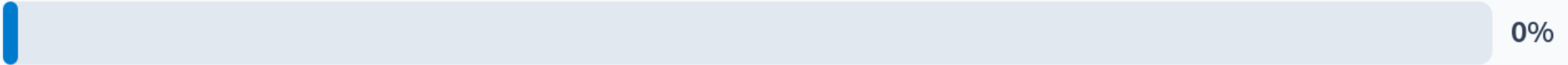
Samuel recuses himself from the review of applications, with Geri's application in the mix.



Geri recuses herself from the team and PW submits a proposal.

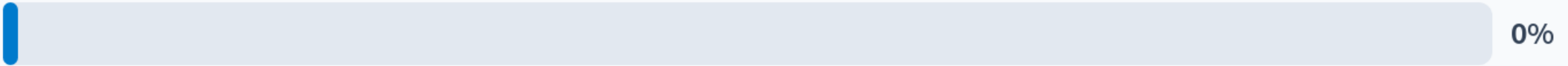


PW does not submit a proposal.

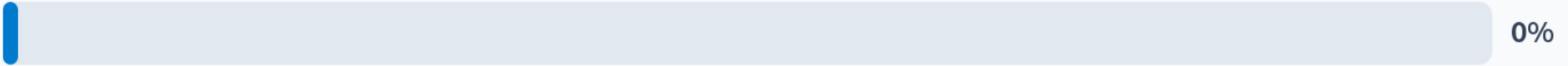


What options are ethical?

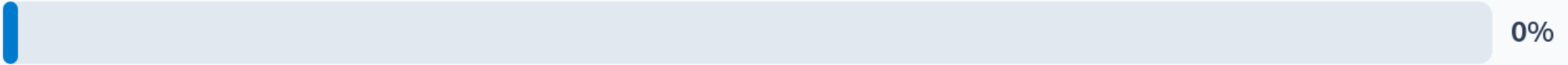
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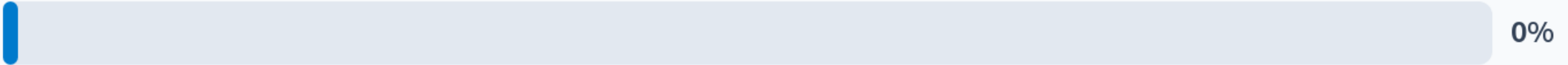
Samuel recuses himself from the review of applications, with Geri's application in the mix.



Geri recuses herself from the team and PW submits a proposal.



PW does not submit a proposal.



Scenario 2.1: Real-Life Outcome

What option(s) are ethical?

- A. The Ethics Officer recommended that PW should contact the Anytown Planning Department and ask them how to resolve the situation by either:
 - a. Contacting Samuel and asking him to recuse himself from the proposal review, or
 - b. PW could recommend that Geri not be on the project team, or
 - c. Both parties provide full written disclosure of conflict.

Scenario 2.2: Conflict of Interest

- Dorothy, an AICP planner, is leaving her position as principal planner at Maeville and joining the Planning Magicians (PM) consulting firm. She has a signed letter of employment.
- Maeville has issued an RFP to update its land management ordinance. During her interview with the PM consulting firm, they noted that they are aware of the pending RFP pending from Maeville. Dorothy is aware of the issues that the town has dealt with over the past decade and what approaches would be acceptable to the community.

Scenario 2.2: Conflict of Interest (contd.)

- The PM firm has offered to bring Dorothy on-board and be a senior member of the team for that project and is suggesting that she at least review and comment on PM's draft response. Additional facts:
 - Dorothy is leaving the town in 30 days and joining the consulting firm thereafter.
 - RFP responses are due in 30 days.
 - The City of Maeville does not have a revolving-door policy against working for a jurisdiction that you just left.

Scenario 2.2: Questions

Q1: What Principles to Which We Aspire should Dorothy consider?

- Anything dealing with “conflict of interest.”
- None – Dorothy is in the clear since Maeville doesn’t have a “revolving door” policy.
- Not Sure.

What Principles to Which We Aspire should Dorothy consider?

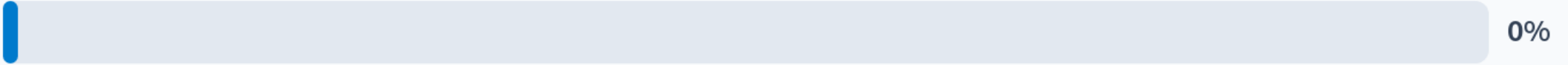
Anything dealing with "conflict of interest"

None - Dorothy is in the clear since Maeville doesn't have a "revolving door" policy

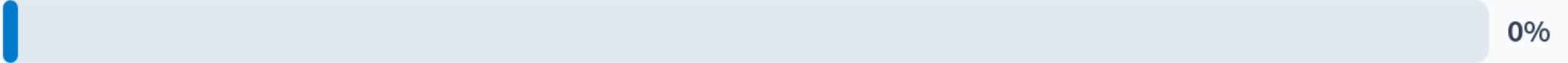
Not sure

What Principles to Which We Aspire should Dorothy consider?

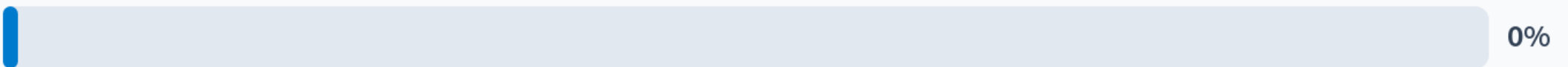
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None - Dorothy is in the clear since Maeville doesn't have a "revolving door" policy

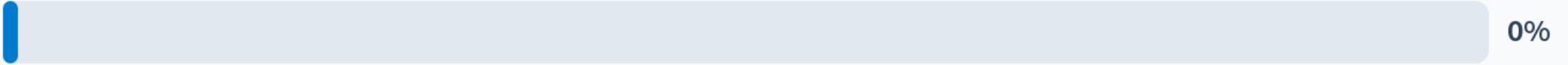


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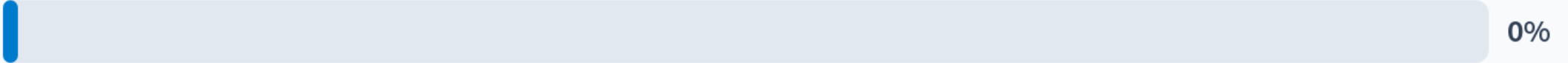


What Principles to Which We Aspire should Dorothy consider?

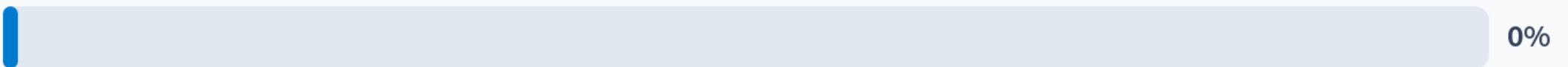
Anything dealing with "conflict of interest"



None - Dorothy is in the clear since Maeville doesn't have a "revolving door" policy



Not sure



Scenario 2.2: Ethical Issues

A. Aspirational Principles

- 4.c: Public trust – Do not let any official action be influenced by personal relationships.
- 4.e: Public trust – Avoid conflict of interest or even the appearance of a conflict in accepting assignments.
- 4.f: Public trust – Disclose all personal any pecuniary interests considered broadly and avoid being involved in such decisions.

Scenario 2.2: Ethical Issues (contd.)

A. Aspirational Principles

- 4.i: Do not commit a wrongful act which reflects adversely on the planning process.
- 4.j: Do not seek business by stating or implying the ability to influence decisions by improper means.

Scenario 2.2: Ethical Issues (contd.)

B. Rules of Conduct

- 8: Conflict of interest – do not accept work if there is a possibility for direct personal or financial gain to us, our family etc. without full disclosure prior and during the process.
- 9: Improper influence/abuse of position – do not engage in private communications if we have authority to make final determination.
- 13: Honesty and fair dealing – we shall not disclose or use to our advantage any confidential information.

Scenario 2.2: Ethical Issues

What option(s) are ethical for Dorothy?

1. Have no contact with PM about the RFP, and work on whatever projects PM assigns her in 30 days when she leaves the city and joins that firm.
2. Take a few days of personal leave to help PM craft their response to the RFP after receiving permission from the city administrator.
3. Answer all questions from interested consulting groups about the RFP, including PM, then work on whatever projects PM assigns her in 30 days when she leaves the city and joins that firm.
4. Refer all questions about the RFP to another planner, then work on whatever projects PM assigns her in 30 days when she leaves the city and joins that firm.
5. Work on whatever projects PM assigns her in 30 days except for the Maeville project (assuming they win the contract) when she leaves the city and joins that firm.

Scenario 2.2: Real-Life Outcome

- The Ethics Officer recommended full disclosure and suggested that Dorothy look closely at Rule 13, discuss matter with her supervisor, and possibly recuse herself from the interview with former employer.
- The EO further advised Dorothy to fully divulge potential conflict to other reviewers.



Scenario 3: Politicians and Planners

- Jane, AICP, works as a planner in Jacobsville. Jane staffs the Jacobsville Planning Commission as part of her assigned duties. Planning Commissioners are appointed to their positions by the mayor.
- A member of the Planning Commission has asked Jane to host a series of public meetings on her behalf. But, Jane soon learns that the Commissioner is now planning to run for a seat on the Town Council.

Scenario 3: Questions

Q1: Is Jane guilty of violating the Code of Ethics if she arranges the meetings for the Planning Commissioner?

- Yes
- No
- Not Sure

Is Jane guilty of violating the Code of Ethics if she arranges the meetings for the Planning Commissioner?

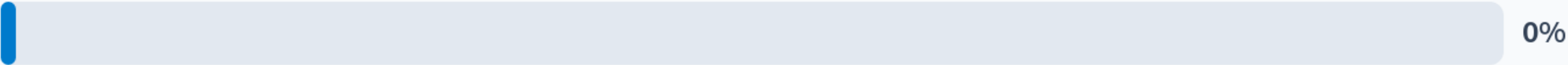
Yes

No

Not sure

Is Jane guilty of violating the Code of Ethics if she arranges the meetings for the Planning Commissioner?

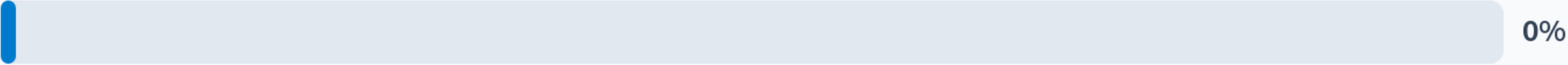
Yes



No

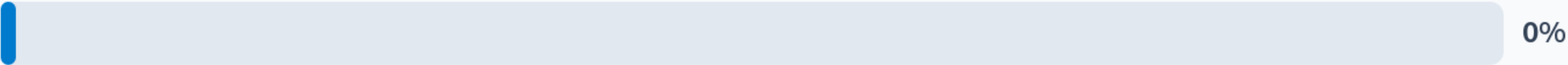


Not sure

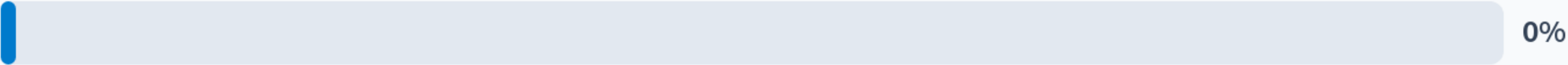


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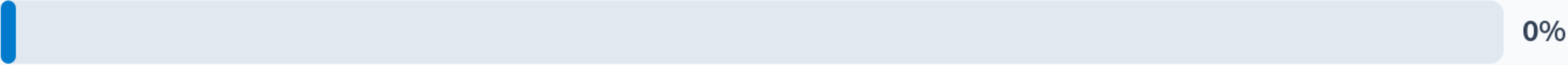
Yes



No



Not sure



Scenario 3: Ethical Issues

A. Aspirational Principles

A.1.d: Pay special attention to the interrelatedness of decisions and their unintended consequences.

A.4.c: Do not let any official action be influenced by personal relationships.

A.4.d: Serve as advocates for the public or private sector only when the client's objectives are legal and consistent with public interest.

Scenario 3: Real-Life Outcome

- In this real-life inquiry, on which this scenario is based, the EO suggested that the planner notify their supervisor before scheduling the meetings.
- The EO found no cause for concern on part of the planner.



A Final Note

- For informal advice regarding ethical conduct, please contact Ralph Willmer, FAICP, the AICP Ethics Officer:
 - 312-786-6360, or
 - ethics@planning.org.
- For more information about ethics, please visit planning.org/ethics

AICP Ethics Committee	
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Further Discussion



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