

The AICP Code of Ethics and Real World Scenarios

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AICP Code

- ❖ Effective June 1, 2005
- ❖ Three parts:
 - **Principles to Which We Aspire:** ideals to which we are committed
 - **Our Rules of Conduct:** rules to which we are held accountable
 - **Our Code Procedures:** procedural provisions (charges and rulings)
- ❖ Available on the APA website
- ❖ Proposed changes!!

Principles to Which We Aspire

- ❖ Our Overall Responsibility to the Public
 - "primary obligation is to serve the public interest"
 - public involvement, accurate information
- ❖ Our Responsibility to Our Clients and Employers
 - "independent professional judgment"
- ❖ Our Responsibility to Our Profession and Colleagues
 - education, research, professional development

Principles to Which We Aspire



Our Rules of Conduct

- ❖ 25 rules
- ❖ Failure to adhere to the rules can result in sanctions
- ❖ General Topics:
 - Conflict of interest (8 rules)
 - Accurate information (7 rules)
 - Code procedures (4 rules)

Our Rules of Conduct – Key Points

Rule #1

*We shall not deliberately or with reckless indifference fail to provide **adequate, timely, clear and accurate information** on planning issues.*



Our Rules of Conduct – Key Points

Rule #4

*We shall not, as salaried employees, undertake other **employment** in planning or a related profession, **whether or not for pay**, without having made **full written disclosure** to the employer who furnishes our salary and having received subsequent **written permission** to undertake additional employment, unless our employer has a written policy which expressly dispenses with a need to obtain such consent.*



Our Rules of Conduct – Key Points

Rules #5 and #6

- ❖ *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.*
- ❖ *We shall not perform **work on a project for a client** or employer if, in addition to the agreed upon compensation from our client or employer, there is a **possibility for direct personal or financial gain** to us, our family members, or persons living in our household, unless our client or employer, after full **written disclosure** from us, **consents** in writing to the arrangement.*



Our Rules of Conduct – Key Points

Rules #8 and #9

- ❖ *We shall 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.*
- ❖ *We shall 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.*

Our Rules of Conduct – Key Points

Rule #14

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.



Our Rules of Conduct – Key Points

Rule #18

*We shall not **direct or coerce other professionals** to make analyses or reach findings not supported by available evidence.*

Our Rules of Conduct – Key Points

Rules #24 and #21

- ❖ *We shall not file a **frivolous charge** of ethical misconduct against another planner.*
- ❖ *We shall not **withhold cooperation or information** from the AICP Ethics Officer or the AICP Ethics Committee if a charge of ethical misconduct has been filed against us.*

Our Rules of Conduct – Key Points

Rule #25

*We shall neither deliberately, nor with reckless influence, commit **any wrongful act**, whether or not specified in the Rules of Conduct, that **reflects adversely on our professional fitness**.*

Our Code Procedures

- ❖ Informal Advice
- ❖ Formal Advice
- ❖ Charge of Misconduct
 - filing
 - preliminary responses
 - investigation
 - dismissal or complaint
 - answering a complaint
 - hearing
 - decision
 - settlement – an option throughout the process

How much is the Code Used? 2008 Case Activity

- ❖ Ethics Cases - 15 Total
 - 10 Cases Resolved:
 - 4 Charges Dismissed and Not Appealed
 - 2 Anonymous Charges Dismissed
 - 1 Charge Settled
 - 1 Respondent Resigned
 - 1 Respondent's Membership Lapsed
 - 1 Respondent Died
 - 5 Cases Pending:
 - 1 Charge Pending Investigation
 - 1 Complaint Pending Respondent's Cooperation
 - 1 Complaint Pending Review
 - 2 Charges Appealed
- ❖ Ethics Committee Actions: No actions
- ❖ Requests for Formal Advice: No requests

Case Activity Trends

❖ Ethics Cases

- 2005: 7
- 2006: 9
- 2007: 12
- 2008: 15



- ❖ Ethics Committee Actions in past 4 years – only in 2005
- ❖ Requests for Formal Advice in past 4 years – none

AICP Code of Ethics

- ❖ Learn the differences between principles that we aspire to and rules of conduct we are required to meet
- ❖ Learn how to file charges and how to defend yourself from charges

Survey Findings

- ❖ Based on a 1979 study: *The Ethics of Contemporary American Planners* (Howe and Kaufman)
- ❖ Updated results by surveying attendees of ethics session
- ❖ 83 completed surveys in the new survey
- ❖ Good conformance to the 1979 results
- ❖ Tactic is key, with benefiting group and role also influencing
- ❖ 15 scenarios that were rated as follows:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

Wetlands Scenario (#9)

A staff planner for a regional planning agency is fairly certain that the agency's director purposely left out certain findings from a draft of a wetlands preservation study that were objectively documented and presented by the staff planner, because the agency director felt it presented a point of view that the regional planning commission does not support. The staff planner feels these findings should not be kept from the public and, without authorization, gives them to an environmental group which is strongly in favor of a wetlands preservation program. Is the regional planning agency staff planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

Code of Ethics Context for Wetland Scenario

- ❖ **Loyalty to Employer**—a planner must accept the decisions of a client or employer concerning the objectives and nature of the professional services to be performed (AICP Code provision A.2.b).
- ❖ **Don't Deceive**—a planner must not commit a deliberately wrongful act which reflects adversely on the planner's professional fitness (B.25).
- ❖ **The Public Has a Right to Know**—a planner must strive to provide full, clear and accurate information on planning issues to citizens and government decision makers (A.1.d) and a planner must strive to give citizens the opportunity to have a meaningful impact on the development of plans and programs (A.1.e).
- ❖ **Obligation to One's Own Professional Integrity**—a planner must exercise independent professional judgment on behalf of clients and employers (A.2.a).
- ❖ **Protect Environmental Resources**—a planner must strive to protect the integrity of the natural environment (A.1.g).

Rank Order of Tactics by Ethical Acceptability

Order of Tactics by Ethical Acceptability

	Scenario #	2009 Mean	1979 Mean
Dramatize problem to overcome apathy	13	2.19	1.91
Release draft info to environmental group	1	2.69	2.46
Use expendables as tradeoff	6	2.82	2.53
Release draft info to white homeowners group	14	2.87	2.75
Change technical judgment due to pressure	11	2.87	3.01
Assist group overturn official action	15	2.92	2.51
Release draft info on request to developer	7	3.11	2.99
Organize coalition of support to induce pressure	8	3.22	2.74
Leak information to environmental group	9	3.93	2.85
Distort information	10	3.98	3.87
Leak information to low income group	4	3.99	2.54
Distort information	3	4.13	2.59
Distort information	2	4.31	4.05
Leak information to Chamber of Commerce	12	4.35	3.96
Threaten	5	4.57	4.33

Effect of Values on Releasing Draft Recommendations Benefiting Group Matters when Policy is Undefined

Effect of values on releasing draft recommendations

Releasing draft recommendations on request (scenario number)	Ethical (%)	Unethical (%)
To environmental group (1)	56	36
To land developer (7)	45	47
To white homeowner's group (14)	46	40

Effect of Values on Leaking Information without Authorization Benefiting Group Still Matters

Effect of values on leaking information without authorization

Leaking information without authorization (scenario number)	Ethical (%)	Unethical (%)
To low income group (4)	18	75
To environmental group (9)	13	71
To Chamber of Commerce (12)	7	87

Does Role Matter?

- ❖ 1979 study also checked for role bias
- ❖ Technical – hybrid - political
- ❖ Technical planners were more compliant with the Code and political planners less so

The AICP Code of Ethics and Real World Scenarios



#1 Scenario

A representative of an environmental group comes into a city planning office and asks a staff planner for a copy of the recommendations of a plan for the reduction of pollution in the city's streams which is in the process of being prepared. The planner gives the representative the draft recommendations. The agency has no specific policy about releasing such information before a plan is completed. Is the planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#2 Scenario

A regional transportation plan is being prepared. The city planning agency is strongly in favor of a 25 cent fare to make the system as accessible as possible to lower-income people. The regional planners are opposed to this because they think a higher fare is necessary to break even. Technical meetings between city planning and regional planning representatives are being held in order to determine the economic feasibility of the two options. The chief planner for the city planning agency believes the regional planners' estimates are always conservative about the number of riders, so that they can argue that the system would not pay for itself at the lower fare. In order to justify the lower fare, she always purposely develops estimates that indicate that the system would attract more riders, thus yielding higher revenues. Is the action of the planner from the city planning agency:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#3 Scenario

A public planning agency has recently completed the first draft of a plan to establish several park and ride facilities in outlying areas of the city. The head of the agency has been meeting with a variety of neighborhood groups to gain their support for this plan. Less than half of the groups consulted have agreed to support it. She then meets with representatives of a city-wide civic group whose approval is particularly critical but who are especially sensitive to the opinion of neighborhood groups. The planner urges the civic group to publicly endorse the plan, indicating without being specific, that many of the neighborhood groups consulted so far have supported the plan. Is the planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#4 Scenario

A planner who works for a city planning agency is assigned by her agency to work with the residents of an inner city, low-income neighborhood. She finds out that another unit in the agency is doing a study for the same neighborhood which will recommend clearing 20 acres of land to be used to provide housing for students at a nearby college. Without being authorized to do so, the planner decides to give the information and draft findings of this study to the head of the community group in the area. Is the planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#5 Scenario

A comprehensive plan has just been completed for the X metropolitan area, calling for each community to prepare its own growth management plan. It must now be adopted by the planning commission, made up in part of local elected officials. The regional planning director has made it clear in meetings with local elected officials and planners that if they do not support the plan he will selectively use the agency's review authority to recommend denial of projects (not limited just to the growth issue) that such localities seek from the federal government. Is the regional planning director's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#6 Scenario

A regional planner is preparing a fair share housing plan for the communities in a several county region. Knowing that the idea of every community taking its fair share of low and moderate income housing will be tough to get accepted by the COG-type regional commission, he puts into the plan several strong recommendations which will generate very strong opposition, but which he feels are expendables that might be traded off for support from some of the commissioners for the central aspects of the fair share plan. Is the regional planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#7 Scenario

A land developer, who owns land in the northwestern section of the city, comes into the planning office and asks a staff planner for a copy of the planning agency's recommendations for a yet-to-be released development plan being prepared for the largely undeveloped northwestern part of the city. The planner gives the developer the draft recommendations. The agency has no specific policy about releasing such information before a plan is completed. Is the planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#8 Scenario

A planner who works for a high-income suburban community recognizes that the community's land development regulations are exclusionary, with large lot zoning, expensive subdivision improvement requirements and few bedrooms allowed in the only district zoned multiple family. This makes it quite difficult for low-income people and all but a few minority group members to live there, even though job opportunities for low-income people exist in the area. She decides, as part of her regular job activities, to organize support from local people she knows are in favor of opening up the community so that they will put pressure on the suburban government's officials to change the community's zoning policy. Is the planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#9 Scenario

A staff planner for a regional planning agency is fairly certain that the agency's director purposely left out certain findings from a draft of a wetlands preservation study that were objectively documented and presented by the staff planner, because the agency director felt it presented a point of view that the regional planning commission does not support. The staff planner feels these findings should not be kept from the public and, without authorization, gives them to an environmental group which is strongly in favor of a wetlands preservation program. Is the regional planning agency staff planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#10 Scenario

A planner is preparing a study on the need for increased mass transit in the community. The planner's own policy preference is for increased mass transit. A citizens group did a reasonably thorough study several years ago where it found that a majority of the community's residents opposed an expanded mass transit system. The planner decides not to use this particular information in writing up the recommendations of the study. Is the planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#11 Scenario

A study is done by a community development corporation recommending use of a vacant site in a blighted area as a small industrial park for minority owned businesses. The senior economic planner in the City Planning Department criticizes the study on technical grounds, arguing that it overstates the social and economic benefits to the blighted area and underplays the cost of the project. He recommends to the City Planning Commission that no city action be taken until a more detailed study is undertaken by an uninvolved party. The minority community pressures the planning director to accept the study and move ahead, because of the present availability of federal funding for the project. As a result, the director tells the senior economic planner that he supports the minority community's position. Although the senior economic planner still believes the project has not been adequately analyzed, he considerably softens his technical criticism of the study and recommends going ahead with the project without additional justification at the next meeting of the City Planning Commission. Is the senior economic planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#12 Scenario

A planner who works for the city planning agency is also a member of the city's Chamber of Commerce. The planner finds out that a study is being done by another unit in the agency which will recommend substantially reducing the number of on-street parking meters in the central business district to lessen traffic congestion. Thinking that many local businessmen would oppose such a proposal on the grounds that it would hurt their businesses, the planner, without being authorized to do so, gives the information and draft findings of the study to the head of the Chamber of Commerce. Is the planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#13 Scenario

Studies done by the planning and health departments indicate that the waterways in City X and its surrounding suburbs are polluted, and not only have become unaesthetic, but may be a health hazard as well. The regional planning agency has developed a plan for controlling the pollution. It requires widespread support to be implemented, but public apathy and jurisdictional fragmentation seem to make this unlikely. As part of the strategy to get the plan adopted, the planning director undertakes a campaign to create a crisis atmosphere by making the issue a high priority in the media. He holds press conferences next to the most choked and oil-covered streams and lakes, and dramatizes the health problems which will result if the problem is not dealt with. He gets considerable coverage. One newspaper plays up the occurrence of two cases of typhoid in the area, and several editorially urge their readers to support the plan. Is the planning director's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#14 Scenario

A representative of a homeowner's group that includes no minorities comes into a city planning office and asks a staff planner for a copy of the recommendations being developed for a scattered city public housing plan which the agency is preparing. The planner gives the representative the draft recommendations. The agency has no specific policy about releasing such information before a plan is completed. Is the planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical

#15 Scenario

An oil company decided to build a refinery on several thousand acres of tree-covered waterfront property which it owned. The land was zoned rural, and the oil company requested a change in zoning to a heavy industrial classification. The county planning staff opposed the rezoning and said that the area should be recognized as a valuable natural resource and preserved for recreational and residential uses. The staff was overruled by the county planning commission and subsequently by the county commissioners who approved the rezoning. A group of residents who lived near the refinery site took the case to court. One county planning staff member provided assistance on her own time (information and advice) to the citizens' group in preparing their case. Is the county planner's action:

- 1 – clearly ethical
- 2 – probably ethical
- 3 – not sure
- 4 – probably unethical
- 5 – clearly unethical
