



PLANNING ETHICS – A GAME SHOW!

APA Washington Chapter Conference

October 2022

Vancouver, WA

Presenters



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MRSC



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Director of Growth
Management

PSRC

Ethics Code Refresher

Ethics Code Update

Ethical Scenarios

- Equity and Inclusion
- Plagiarism

Ethics Jeopardy!

Concluding Comments

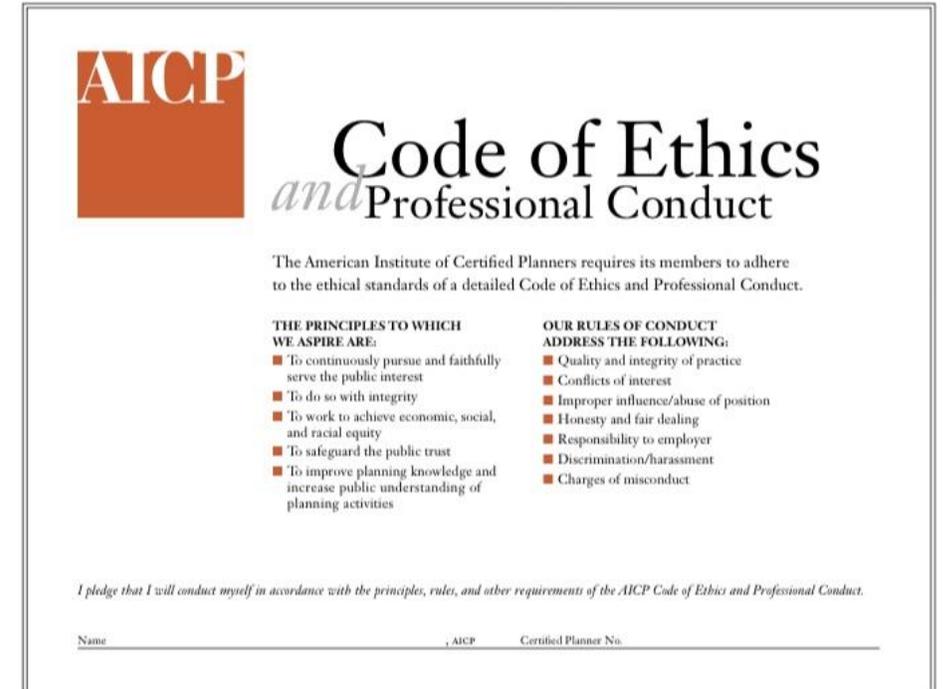
AGENDA

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).

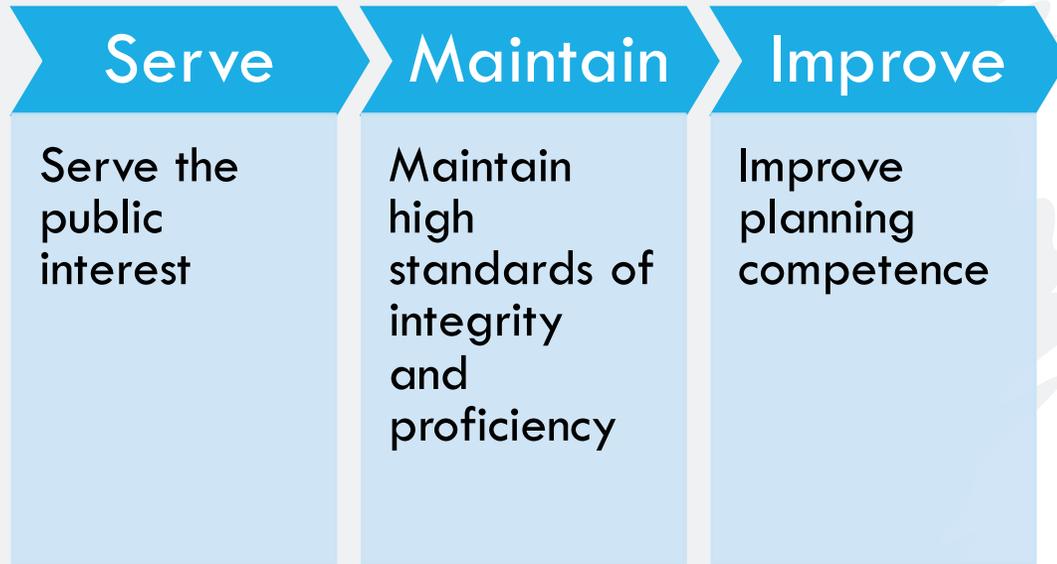


This AICP Ethics Code certificate is available for downloading from planning.org/ethics.

APA'S ETHICAL PRINCIPLES IN PLANNING

ADOPTED IN 1980 BY THE AMERICAN PLANNING ASSOCIATION; REV. 1992

GUIDELINES FOR ADVISORS, ADVOCATES, AND DECISION MAKERS IN THE PLANNING PROCESS



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Ethical Principles in Planning

(As Adopted by the APA Board, May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

AICP ETHICS CODE

ADOPTED IN 1948 BY THE AMERICAN INSTITUTE OF PLANNERS;
REV. 1959, 1970, 1978, 1991, 2005, 2016, 2022

A. Aspirational Principles

B. Rules of Conduct

C. Advisory Opinions

D. Complaints of Misconduct

E. Discipline of Members



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AICP Code of Ethics and Professional Conduct

<http://www.planning.org/ethics/ethicscode>

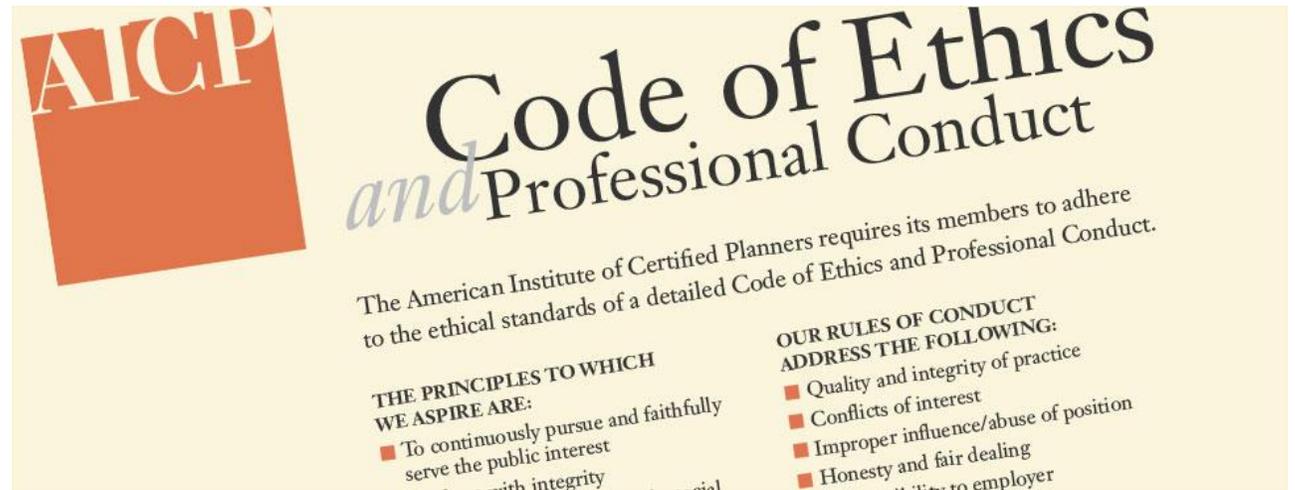
Key Aspects of the Code Update (2022)

A. Aspirational Principles

- Organization
- Cultural biases
- Equity foundation of plans
- Promoting ethics

B. Rules of Conduct

- Organization
- Discrimination/Harassment
- Ethics investigations
- Claiming credit



Prior Headings
**Aspirational
Principles**

Section A
of the *AICP Ethics Code*

Our Overall Responsibility
to the Public

Our Responsibility to Our
Clients and Employers

Our Responsibility to Our
Profession and Colleagues

NEW HEADINGS
ASPIRATIONAL
PRINCIPLES

SECTION A
OF THE *AICP ETHICS CODE*

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
4. Safeguard the public trust
5. Improve planning knowledge and increase public understanding of planning activities

NEW HEADINGS
RULES OF
CONDUCT

SECTION B
OF THE *AICP ETHICS*
CODE

The 24 Rules of Conduct—to which certified planners can be held accountable—have been revised (down from 26 Rules) and reorganized under these headings:

1. Quality and Integrity of Practice
2. Conflict of Interest
3. Improper Influence/Abuse of Position
4. Honesty and Fair Dealing
5. Responsibility to Employer
6. Discrimination/Harassment
7. Bringing and Cooperating with an Ethics Charge

REVISION TO
ADJUDICATION
OF
COMPLAINTS
OF
MISCONDUCT

SECTION D
OF THE *AICP ETHICS
CODE*

D6a: Only current members of AICP may appeal a determination of the Ethics Officer.

This revision eliminates the ability of non-members to contest ethics rulings through a time-consuming appeal process.

This serves to protect our planners from frivolous complaints that drag on and on.

Ethics Topics in 2021

Based on misconduct cases and informal inquiries



The most commonly cited Rules of Conduct were:
#18 (outside employment),
#1 (accurate information),
and #13 (confidential information).

ETHICAL MISCONDUCT CASES IN 2021

18 Cases Dismissed

No justification to file a charge (13 cases); Preliminary charge filed (5 cases).



Six (6) Cases Resulted in Disciplinary Actions

- **Confidential Letters of Admonition (two cases)** for “wrongful conduct:” 1) for plagiarism and 2) for sexual harassment .
- **Public Letter of Admonition** for “misstating facts” and “using others’ efforts to seek professional recognition.”
- **Indefinite Suspension** (of AICP credential) for a repeat offense of “wrongful conduct,” this time involving text messages containing derogatory comments about a city council member.
- **Revocation** (of AICP credential) for working two public jobs simultaneously—without having notified either employer.
- **Permanent Revocation** (of AICP and FAICP credentials) for continuing to use credentials after they were revoked in 2017 for the conviction of a “serious crime.”

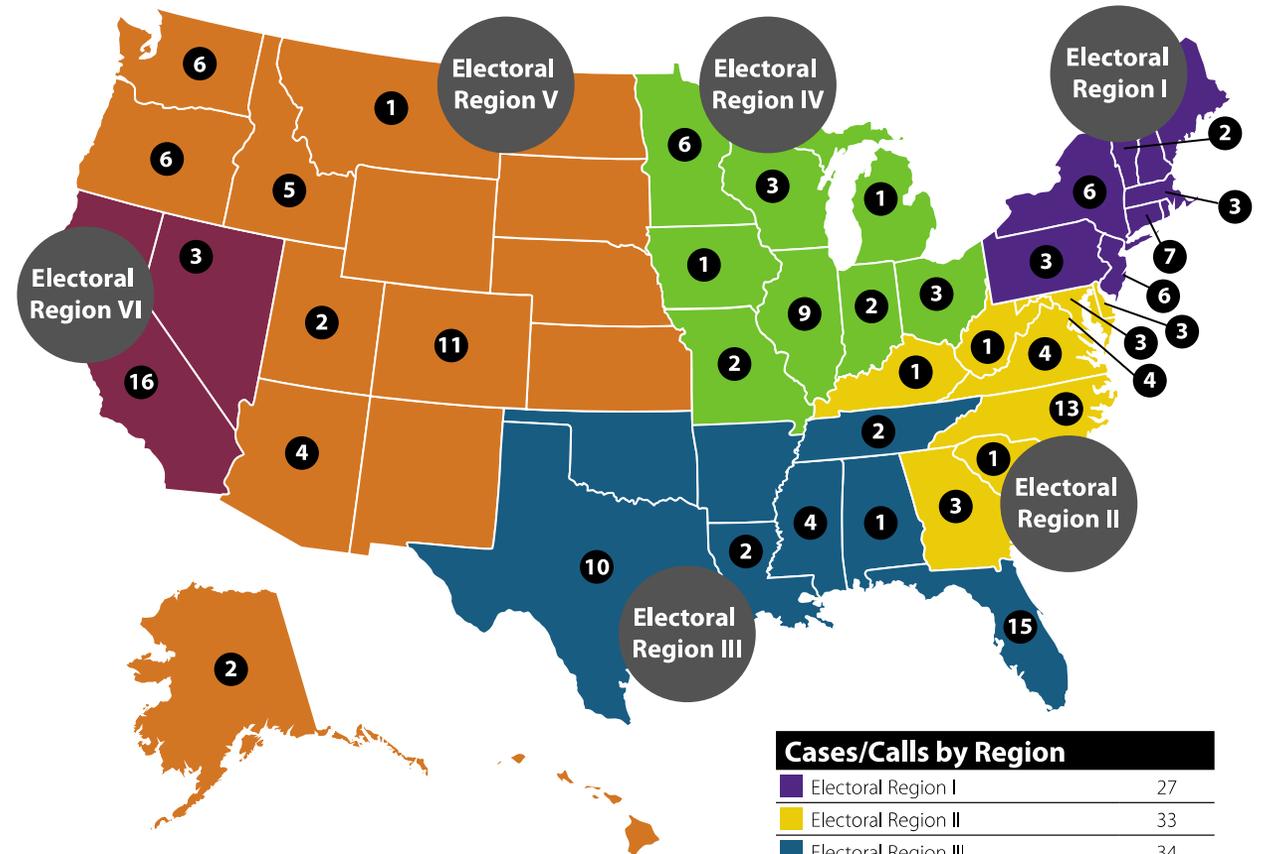
CASES & CALLS 2021

Ethics Cases/Calls (2021)—By States/Regions

(Note: If a state is not listed, it had no cases/calls in 2021)

The following 2 cases were based on misconduct complaints or informal inquiries reviewed by the Ethics Officer and the Ethics Committee.

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



SCENARIO 1

**EQUITY AND
INCLUSION**

SCENARIO 1 EQUITY AND INCLUSION

Joyce, AICP, Whitleyville County’s planning director, learns that a member of the County Board (non-AICP) has been lobbying members of the County Plan Commission to delete equity/inclusion portions of its new draft Comprehensive Plan—before it is submitted to the County Board for approval.

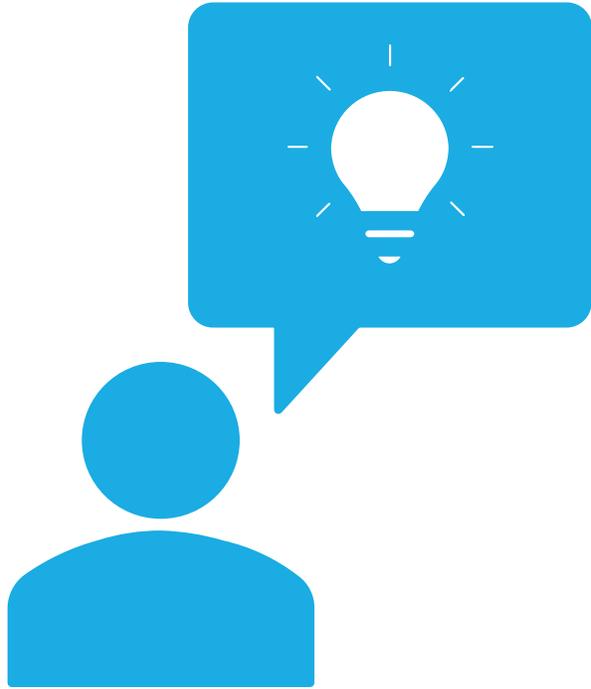
The County Board Member apparently doesn’t want to make these comments in a public meeting.



Joyce, AICP



John Devoille, The Economist



WHAT DO YOU THINK??

SCENARIO 1

ETHICAL ISSUES

APA's "Ethical Principles in Planning"

A3: Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.

AICP Ethics Code's "Aspirational Principles"

Preamble: All those who participate in planning should commit themselves to making ethical judgments in the public interest balancing the many competing agendas with careful consideration of the fact and context, informed by continuous open debate.

1e: Incorporate equity principles and strategies as the foundation for preparing plans and implementation programs...

3a: Create plans that ensure equitable access to resources and opportunities....

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

SCENARIO 1

ETHICAL ISSUES (CONTD.)

AICP Ethics Code "Rules of Conduct"

Rule 9: As public officials or public employees, 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.

Rule 10: We shall not engage in private communications with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or customs.

SCENARIO 1 REAL-LIFE OUTCOME

After Joyce requests informal advice, the AICP Ethics Officer suggests that she should discuss this matter with: 1) her supervisor (the county administrator) and 2) the chair of the county plan commission, as this lobbying activity could be a violation of state or local laws.

The *ICMA Code of Ethics*, which would govern the county administrator, has language addressing this issue (“Tenet 4” re: Inclusion). Furthermore, although none of the Plan Commission members are AICP members, APA’s “Ethical Principles in Planning” would apply to those “who participate in the process of planning as advisors, advocates, and decision makers.”



Joyce, AICP



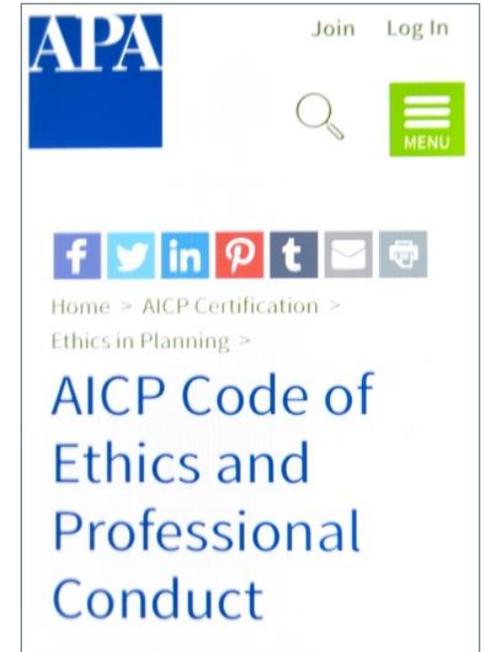
SCENARIO 1

IMPACT OF THE NEW CODE

Several “Aspirational Principles” have been added to the *AICP Ethics Code* to better address issues involving “equity and inclusion.” For instance:

Principle 1e: “Incorporate equity principles and strategies as the foundation for preparing plans and implementation programs....”

Principle 3: “People who participate in the planning process shall work to achieve economic, social, and racial equity.”



SCENARIO 2

PLAGIARISM

SCENARIO 2 PLAGIARISM

Beverly, AICP, a planning consultant, has been hired to prepare a housing action plan for Greene County, as required by state law.

As part of her research, Beverly finds a 10-year old plan for Loraine County, a jurisdiction facing similar issues. She decides to use the text of that plan—which she did not write—for the initial draft of the Greene County plan.



Beverly



SCENARIO 2 (CONTD.)

After making a few revisions, Beverly and the county supervisor submit the draft plan to the plan commission.

However, neither Beverly nor the supervisor inform the members of the plan commission—either verbally or in writing—that their draft is largely based on another county’s plan.

After several working meetings, the plan commission forwards the revised plan to the county board for adoption.

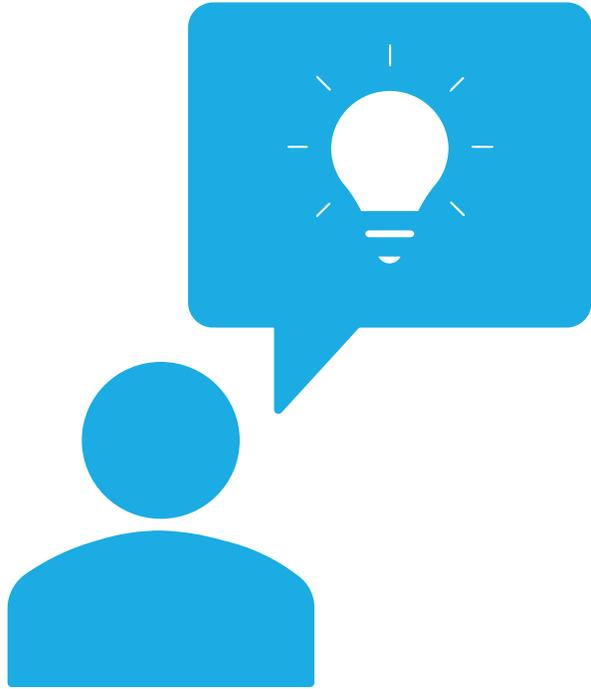


SCENARIO 4 (CONTD.)

At the next county board meeting, a resident makes a charge of plagiarism, noting that nearly half of the Greene County plan is a word-for-word copy of the Loraine County plan.

Beverly and the board chair defend the plan, noting that copying from other public documents is “standard planning practice.” However, several Plan Commission members complain they weren’t informed about the copied document.





WHAT DO YOU THINK??

SCENARIO 2

ETHICAL ISSUES

AICP Ethics Code "Aspirational Principles"

4b: We shall exercise **fair, honest, skilled, informed, and independent** professional judgment.

5b: We shall examine the applicability planning theories, methods, research, and standards to the facts and analysis of each particular situation and **do not accept the applicability of a customary solution** without first establishing its appropriateness to the situation.

5c: We shall strive to achieve high standards of professionalism, including **integrity, knowledge,** and professional development.

AICP Ethics Code "Rules of Conduct"

Rule 16: We shall not use the product of others' efforts **to seek professional recognition, credit, or acclaim** intended for producers of original work.

Rule 6: We shall neither deliberately, nor with reckless indifference, commit any **wrongful act**, whether or not specified in the Rules, that **reflects adversely on our professional fitness**.

SCENARIO 2 OUTCOMES

In the real-life case, on which this scenario was based, the AICP Ethics Officer felt Beverly should not have copied the text from the other county's plan without 1) referencing it or 2) disclosing it to the plan commission.

Although Beverly had not sought “acclaim” for another’s work (Rule 16), she had committed a “wrongful act” reflecting adversely on her “professional fitness” (Rule 6).

Beverly received a **Confidential Letter of Admonition**.



Beverly

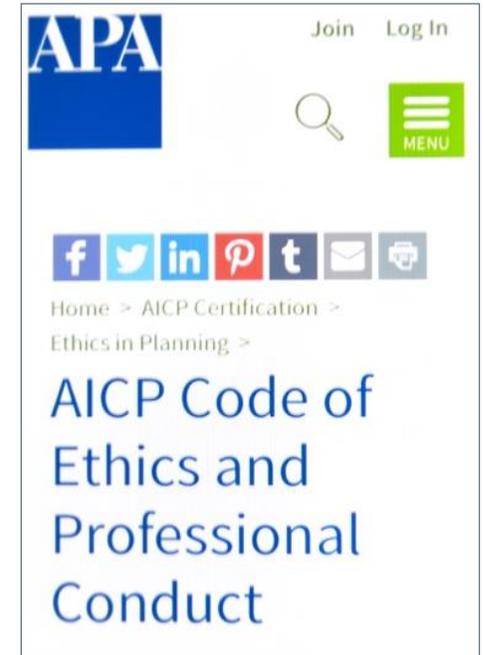


SCENARIO 2

IMPACT OF THE NEW CODE

Rule of Conduct #16 was amended to include "credit."

When this case was evaluated, the rule only stated "recognition or acclaim" intended for producers of original work. If this case came before the Ethics Officer under the new language, the charge would be evaluated as to whether or not Beverly sought "recognition, credit, or acclaim."



ETHICS CONTACT INFO

For informal advice regarding ethical conduct, please contact the AICP Ethics Officer, Ralph Wilmer, FAICP, at ethics@planning.org. For more information about ethics, please visit planning.org/ethics

AICP Ethics Committee

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TIME TO PLAY ETHICS JEOPARDY!

Test your
knowledge of the
AICP Code of
Ethics



FINAL TIPS

1. Ethical issues don't always have a clear "yes" or "no" answer.

"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."

2. Make time to regularly discuss planning ethics.

Set up a regular time at your workplace, perhaps bi-monthly or quarterly, to discuss the [AICP Code of Ethics and Professional Conduct](#) and different ethical scenarios that planners are likely to face. And don't forget about new employee onboarding/orientation.

3. There will be an increased focus on EDI.

Equity, Diversity, and Inclusion issues will continue a major planning ethics focus for planners.



QUESTIONS FROM THE AUDIENCE





THANK YOU!

