

ETHICS

THE AICP CODE AND MORE

*Northern New England Chapter of the
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Ethics

- Ethics is a system or code of morals of a particular person, group or profession.”
Webster’s
- “Always do right. This will gratify some people and astonish the rest.”
Mark Twain
- “Ethics are what you have when no one is looking.”
Unknown

Perception vs. Reality



“Ethical” Situations Facing Public Officials & Planners

- ❑ Conflict of interest – real or perceived
- ❑ Planner “role” with a board/commission ethics situation
- ❑ Day job versus commissioner role
- ❑ Relatives involved with application
- ❑ Ex parte communications
- ❑ Electronic media use
- ❑ “Avoiding” difficult vote
- ❑ Decisions without findings
- ❑ Decisions that are made too soon/take too long/too little information
- ❑ Your neighbors/relatives are applicants
- ❑ Political pressure from above
- ❑ Your “public” demeanor
- ❑ Too “friendly” with applicant at meeting

Ethics Code Adoption Issues

- **Why adopt –**
 - ✓ Ethical “high ground”
 - ✓ Response to recurring problem or one time problem
 - ✓ Lack of other state or local code for guidance

- **Who adopts –**
 - ✓ Local custom
 - ✓ City/county charter
 - ✓ Adopted by public body/citizens/other?

- **What to adopt –**
 - ✓ If state does/does not have applicable ethics code
 - ✓ Aspirational versus regulatory
 - ✓ Topics to include:

Ethics Codes

What Might they Include?

- Purpose/goals
- Values behind the code
- Who it applies to
- Definitions
- Strategies for addressing ethical problems
- Confidential information
- Gifts/gratuities
- Conflict of interest
- Assessment mechanism
- Complaint process, if any
- Enforcement
- Ethics training

Examples of State - Local Ethics Commissions & Codes

Cities/Towns

- Bangor, Maine
- Colchester, VT
- Londonderry, New Hampshire
- Springfield, Massachusetts

State Ethics Commissions

- Pennsylvania State Ethics Commission
- California Fair Political Practices Commission & Attorney General
- Massachusetts Ethics Commission
- Maine Commission on Governmental Ethics & Election Practices (not for local officials)

APA Ethical Principles in Planning

- A guide to ethical conduct for all who participate in the planning process
- Pursue & faithfully serve the public interest
(7 actions listed)
- Strive to achieve high standards of integrity & proficiency to maintain public respect for the planning process
(13 actions listed)

The AICP Code

- Code of Ethics and Professional Conduct
 - Current Code - Adopted 2005; Revised 2009
(Ethics Codes for planners go back to 1959)
 - 4 sections:
 - A. Aspirational Values & Ideals
 - B. Rules of Conduct
 - C. Procedures
 - D. Planners Convicted of Serious Crime

AICP Code of Ethics

Aspirational Principles of the Code

- Responsibility to the Public – 8 principles
- Responsibility to Clients and Employers - 3 principles
- Responsibility to the Profession & Colleagues – 10 principles

Rules of Conduct

- 24 separate rules to adhere to

A.1 - Our Overall Responsibility to the Public

- “Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge. To comply with our obligation to the public, we aspire to the following principles:
- Eight Principles are Listed

A.2 - Responsibility to Our Clients and Employers

- We owe diligent, creative, and competent performance of the work we do in pursuit of our client or employer's interest. Such performance, however, shall always be consistent with our faithful service to the public interest.
- Three Principles are listed

A.3 - Our Responsibility to Our Profession and Colleagues

- We shall contribute to the development of, and respect for, our profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.
- Ten Principles are listed.

Code B - Rules of Conduct

- We adhere to the following Rules of Conduct, and we understand that our Institute will enforce compliance with them. If we fail to adhere to these Rules, we could receive sanctions, the ultimate being the loss of our certification.
- Note: there are 26 separate rules under this section.

Code C - Procedures

Code Procedures:

- ❑ Describe the way that one may obtain either a formal or informal advisory ethics ruling, and
- ❑ Detail how a charge of misconduct can be filed, and
- ❑ Describe how charges are investigated, prosecuted, and adjudicated.

Code C - Procedures

- Informal and Formal Advice
 - Only the Ethics Officer, who is the APA Executive Director, is authorized to give advice
 - Formal advice is Binding
 - Formal Advice: Findings within 21 days
 - Forwarded to the Ethics Committee

Code D – Conviction of Serious Crimes

- Automatic suspension from AICP if convicted
- Duty to Notify Ethics Officer if convicted
- Petition for reinstatement procedures
- Publication of name & crime of AICP planners



Ethics Cases 2009 -2011

	2009	2010	2011
Total Cases	11	4	4
<u>Cases Resolved</u>	9	2	2
Cases Dismissed	4	2	2
Charge Withdrawn	1		
Other	4		
<u>Cases Pending</u>	2	2	2

ETHICS

SCENARIOS & QUESTIONS



Ethics “Case of the Year”

Issues

- ❑ #1 -Pressure on Plg. Dir. to attend & donate to Mayor’s “charity” event and to bring her top staff.
- ❑ #2 - Opposition candidate wants Plg. Dir. to do the same for her “charity” event.
- ❑ #3 - Developer & Mayoral supporter proposes project that needs env. review. Plg. Dir. tries to recuse herself. Mayor challenges her loyalty.
- ❑ #4 –”Strict” Senior env. planner is removed from review process & leaks information about this to environmental organization.
- ❑ #5 - Plg. Dir. proposes hiring consultants to do review. One consultant firm holds a holiday event. Planning Director & staff usually attend.
- ❑ #6 – Senior Env. planner seeks new job using “insider knowledge” as a reason he should be hired.

Case of the Year – Ethics Questions

- #1 – What are the ethical concerns about the Director asking her staff to attend “charitable” events and donate \$?
- #2 – Opposition candidate event – what should the Director do?
- #3 – “Angel” donor is a developer with a specific project needing review. Mayor is “interested”. What ethical issues must the Director consider?
- #4 – Regarding the strict environmental planner leaking information, what are the ethical issues for the director and what actions should she take?
- #5 – Holiday Event by consultant. Should Director & staff attend? Should consultant not invite the city consultant review team?
- #6 – Environmental planner’s actions in his job search. What are his ethical issues, if any? (ps one of the job interviewers is also AICP. Any ethical issues for her?)

Public Private Sector

- You are a public sector planner working with a consultant firm on your town's new master plan
- Before the plan is completed the consulting firm offers you a position with them

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- Are there ethical considerations that would prevent you from accepting this position?
 - Is there a way you could accept the position without compromising your ethics?

Community Values

- You are a consultant working in a city with 40% Hispanic population
- City council and manager are all Anglos
- Your job is to draft new zoning to lower densities from future in-fill projects in older neighborhoods
- The first neighborhood chosen for study is Hispanic
- City wants to limit overnight on-street parking, expansion of non-conforming houses, limits on # of bedrooms
- Residents claim discrimination. Census data indicates this neighborhood has larger families than Anglo neighborhoods.
- You schedule meeting with city officials to discuss this issue. After the meeting, you believe neighborhood concerns are well founded.
- What are your ethical obligations?

Socializing

- You are a public sector planner but have a number of friends who are consultants. They may buy drinks or dinner, but you will also sometimes buy.
- As a public sector planner, is it unethical to pal around with private sector friends who pick up the tab occasionally?
- On a related topic, what if a planner is at a conference with several of the consultants that he/she works with and is invited to go to dinner? One of the consultants picks up the tab. Another pays for cabs. A third picks up drinks after dinner.
- Is there any conflict? Is there a more ethical way to handle these situations?

Final Ethics Case!!

- You are attending an ethics training for the required 1.5 hours of CM credit.
- 30 minutes into the session your boss calls asking you to take care of a problem.
- You spend the next 45 minutes out in the lobby trying to solve the problem then rush back in for the last 15 minutes of the Ethics program.
- You make the call ... Can you record the session on your CM log?

Ethics - Resources

- ❑ **AICP Code of Ethics** www.planning.org/ethics/index.htm
- ❑ **American Planning Association – Ethical Principles of Planning**
www.planning.org/ethics/ethicalprinciples.htm
- ❑ **MA State Ethics Commission** www.mass.gov/ethics
- ❑ **Vermont Land Use Education & Training Collaborative – Rules of Procedures & Ethics Manual** www.vpic.info/pubs/rules_proc.pdf
- ❑ **Canadian Institute of Planners Professional Practice Manual - Code of Practice** www.cip-icu.ca
- ❑ **CityEthics** www.cityethics.org
- ❑ **Institute of Local Self Government – Developing a Local Agency Ethics Code**
www.ca-ilg.org/ethicscodes

