

## Certified Planners and Ethics

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The AICP Commission adopted a revised Code of Ethics and Professional Conduct that went into effect June 1, 2005. So, why was the ethics code changed? This discussion should be preceded with another one: Why have an ethics code? Of course, all professions have a code and all practitioners are expected to adhere to their code. But, *why* have a code? A code provides guidance. A code sets standards. A code embodies values, and those values define both the profession and the behavior of those who embrace it.

Our profession is one in which most of us — at some point in our careers — will either work in the public sector or come in close contact with it. That's equally true for transportation planners and environmental planners. That's equally true for small town planners and big city planners. Our fellow citizens have a right to expect that we will elevate governance, not fall to its more base level. Even for planners who spend their entire careers in the private sector, the quality of governance in our communities matters and we should seek to elevate it. I grew up in Louisiana, as did several generations of my family before me. With Huey Long only a few decades in the past, and with scandals continuing at both state and local levels, my father, like most Louisianans, did not hold government in particularly high regard. When, in the 11th grade, I discovered city planning and excitedly told my father about it, he listened carefully, then remarked, "Now, if you do this city planning thing, it sounds like you'll have to work with politicians." I recall replying, "Why, of course." My dad looked at me and sternly said, "Don't do it!" I was a teenager, ignored my dad and have enjoyed my career in planning. I've worked with many, many politicians and the vast majority have been conscientious, hard-working and honest. A few – less than the fingers on one hand — have been convicted of violations of the public trust, a trust that must not be violated if our democratic way of life is to prosper. I guess my dad could say "I told you so" if he looked at only these few elected officials, but I think he would more likely say "congratulations" to me, my planning colleagues and the many elected officials who have improved their communities, made people's lives better, and often elevated the institution of government. That's why we, as planners, have a code of ethics. It's not to set a bar, although it does. It's not so that the few wrong-doers can be removed from our profession, although it does. No, it is to elevate our practice, our profession, and the civic institutions of which we are a part. Our code elevates.

I am pleased that the vast majority of the time I spend in my role as AICP's Ethics Officer is providing counsel to our members who are seeking to do the right thing. They want guidance. They need to have a conversation. When these planners contact me, they are typically on the right track. They just need to have another perspective.

Of course, I also must address allegations of wrongdoing and decide if a complaint is to be issued. Should a complaint be issued, an investigation typically ensues with an ultimate

determination of blameworthiness. With a guilty finding, the determination of a penalty is the next phase. Finally, the guilty party is subject to penalties, with revocation of the AICP credential and expulsion from membership being the ultimate penalty.

Back to the original question: Why change the code? In 2000, after almost a quarter of a century of our code, the Commission decided to have a comprehensive analysis carried out by a consultant, and then spent four years in deliberations, membership meetings and solicitation of feedback. Last March in San Francisco, the Commission adopted the new code. It's not a totally new code. In fact, most of the previous code was carried forward into the new code. There are, however, major changes both in substance and procedure. The following are just a few of the highlights. The new code is divided into three distinct sections: (1) aspirations; (2) rules of conduct; and (3) procedures.

The "Principles to Which We Aspire" are in three sections: Responsibility to: (1) the public; (2) our clients and employers; and (3) our profession and colleagues. Although they are not technically enforceable, please pay attention to these aspirations. Remember why you chose planning as a career. Use these to inspire others. Use them to elevate our professional practice in civic life.

Our actual rules now number 25; discuss them at your office and at chapter and section meetings. They are enforceable. Use them to elevate the practices of your local community. There are several new rules, and I would like to call your attention to a rather complex rule #3 that addresses the issue of your responsibility as a professional to render professional opinions for clients within a three-year period. While planners are expected to serve their clients within the bounds of applicable laws, planners may not change their professional opinions on matters in ways that may embarrass a current or former client or employer. Also, we don't have an arbitrary separation rule of one year (or any other specific time period), so a planner must examine several rules when changing jobs or even negotiating for a new job. Look at all 25 rules and keep "transparency" in mind as a good guide. Talk with your supervisors and confirm conversations in writing when appropriate.

Procedures are now more straightforward, with specific timetables in many cases. The procedures cover two broad areas: (1) advice, and (2) charges. I encourage members to seek informal advice from me when in doubt; phone calls with me can be scheduled by calling my assistant. Charges must be sent in writing (no e-mail; hard copy only) to the Executive Director of APA and AICP, as the Ethics Officer. Although confidentiality cannot be guaranteed, it is strongly encouraged. Anonymous filing is permitted. In all cases, please read the procedures carefully and proceed accordingly.

Penalties? Of course, as noted, the most significant penalty that can be imposed on an AICP member is loss of the credential, either permanently or for a specified period. A penalty imposed last year included a requirement—in addition to loss of the AICP credential for a year-- that the individual make a public presentation at last year's FAPA conference, indicating how he came to violate the code and lessons he learned as well as lessons for others. He also met with students to alert them to the pitfalls. The sessions were well-attended and I believe that the planner's comments had a sobering effect on many listeners.

Of course, people make various mistakes regarding assumptions about the code. The most common mistake is the belief that all APA members – even those who are not certified planners – are subject to the code. A related mistake is the belief that AICP can discipline anyone involved in planning – elected officials, staff, or even citizens appearing at public hearings. At the same time, I would encourage planners who are not certified to choose to live by the code. APA has also issued ethical principles to guide appointed and elected officials and I encourage adoption of these as principles by planning commissions and zoning boards.

Of course, we also experience disappointments. Too often an allegation has had to wait for action by a non-member citizen when it is apparent that the wrongdoing by the certified planner should have been known to colleagues who are certified planners. Each of us has a responsibility to take action when we are aware of wrongdoing. We shouldn't have to wait for indictments through the legal system.

The prior code also had a series of formal advisory rulings that had been issued over the years. The current code no longer has such rulings as the substance was debated and incorporated as the Commission felt appropriate in this new code. Such rulings may be issued in the future.

Adherence to our Code of Ethics and Professional Conduct is central to our certification. "AICP" means that one has demonstrated a level of professional planning expertise through education, experience and success on the exam (success achieved by less than two-thirds of those who take it). But "AICP" also means that one practices with adherence to a code. This certification means that "AICP" elevates the practice of planning and elevates civic life. That's why we are planners.