AICP Code of Ethics and Professional Conduct
(Amended October 1978—As Amended October 1991)

This Code is a guide to the ethical conduct required of members of the American Institute of Certified Planners. The Code also aims at informing the public of the principles to which professional planners are committed. Systematic discussion of the application of these principles, among planners and with the public, is itself essential behavior to bring the Code into daily use.

The Codes standards of behavior provide a basis for adjudicating any charge that a member has acted unethically. However, the Code also provides more than the minimum threshold of enforceable acceptability. It sets aspirational standards that require conscious striving to attain.

The principles of the Code derive both from the general values of society and from the planning profession's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so also do the principles of this Code sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code. Formal procedures for filing of complaints, investigation and resolution of alleged violations and the issuance of advisory rulings are part of the Code.

The Planner's Responsibility to the Public
A. A planner's primary obligation is to serve the public interest. While the definition of the public interest is formulated through continuous debate, a planner owes allegiance to a conscientiously attained concept of the public interest, which requires these special obligations:

1) A planner must have special concern for the long range consequences of present actions.
2) A planner must pay special attention to the interrelatedness of decisions.
3) A planner must strive to provide full, clear and accurate information on planning issues to citizens and governmental decision makers.
4) A planner must strive to give citizens the opportunity to have a meaningful impact on the development of plans and programs. Participation should be broad enough to include people who lack formal organization or influence.
5) A planner must strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons, and must urge the alteration of policies, institutions and decisions which oppose such needs.

6) A planner must strive to protect the integrity of the natural environment.
7) A planner must strive for excellence of environmental design and endeavor to conserve the heritage of the built environment.

B. A planner owes diligent, creative, independent and competent performance of work in pursuit of the client's or employer's interest. Such performance should be consistent with the planner's faithful service to the public interest.

1) A planner must exercise independent professional judgment on behalf of clients and employers.
2) A planner must accept the decisions of a client or employer concerning the objectives and nature of the professional services to be performed unless the course of action to be pursued involves conduct which is illegal or inconsistent with the planner's primary obligation to the public interest.
3) A planner shall not perform work if there is an actual, apparent, or reasonably foreseeable conflict of interest, direct or indirect, or an appearance of impropriety, without full written disclosure concerning work for current or past clients and subsequent written consent by the current client or employer. A planner shall remove himself or herself from a project if there is any direct personal or financial gain including gains to family members. A planner shall not disclose information gained in the course of public activity for a private benefit unless the information would be offered impartially to any person.
4) A planner who has previously worked for a public planning body should not represent a private client, for one year after the planner's last date of employment with the planning body, in connection with any matter before that body that the planner may have influenced before leaving public employment.
5) A planner must not solicit prospective clients or employment through use of false or misleading claims, harassment or duress.
6) A planner must not sell or offer to sell services by stating or implying an ability to influence decisions by improper means.
7) A planner must not use the power of any office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.

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8) A planner must not accept or continue to perform work beyond the planner's professional competence or accept work which cannot be performed with the promptness required by the prospective client or employer, or which is required by the circumstances of the assignment.

9) A planner must not reveal information gained in a professional relationship which the client or employer has requested be held inviolate. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, or (b) required to prevent a clear violation of law, or (c) required to prevent a substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the planner has verified the facts and issues involved and, when practicable, has exhausted efforts to obtain reconsiderations of the matter and has sought separate opinions on the issue from other qualified professionals employed by the client or employer.

The Planner’s Responsibility to the Profession and to Colleagues

A planner should contribute to the development of the profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities. A planner should treat fairly the professional views of qualified colleagues and members of other professions.

1) A planner must protect and enhance the integrity of the profession and must be responsible in criticism of the profession.

2) A planner must accurately represent the qualifications, views and findings of colleagues.

3) A planner who reviews the work of other professionals must do so in a fair, considerate, professional and equitable manner.

4) A planner must share the results of experience and research which contribute to the body of planning knowledge.

5) A planner must examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and must not accept the applicability of a customary solution without first establishing its appropriateness to the situation.

6) A planner must contribute time and information to the professional development of students, interns, beginning professionals and other colleagues.

7) A planner must strive to increase the opportunities for women and members of recognized minorities to become professional planners.

8) A planner shall not commit an act of sexual harassment.

The Planner’s Self-Responsibility

A planner should strive for high standards of professional integrity, proficiency and knowledge.

1) A planner must not commit a deliberately wrongful act which reflects adversely on the planner’s professional fitness.

2) A planner must respect the rights of others and, in particular, must not improperly discriminate against persons.

3) A planner must strive to continue professional education.

4) A planner must accurately represent professional qualifications, education and affiliations.

5) A planner must systematically and critically analyze ethical issues in the practice of planning.

6) A planner must strive to contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.
1. Informal Advice and Formal Advisory Rulings: Any person may seek informal advice on ethics from the Executive Director of the AICP or from the Chair of a Chapter Professional Development Committee. Such advice shall not be binding upon the AICP.

Any person may file a written request with the Executive Director of the AICP for a formal advisory ruling on the propriety of any professional planner conduct. The request should contain sufficient facts, real or hypothetical, to permit a definitive opinion. If appropriate, the Executive Director shall then prepare and furnish a written formal advisory ruling to the inquiring party. This ruling may be published if endorsed by the AICP Ethics Committee as commentary on the Code and a guide to its application. Published rulings, however, shall not include any actual names and places without the written consent of all persons to be named. A ruling may be relied upon by the person who requested it whether or not published.

2. Charges Alleging Misconduct by an AICP Member: Any person may file in writing with the Executive Director of the AICP a charge of misconduct against an AICP member. The charge shall state the facts upon which it is based. The Executive Director shall furnish a copy of the charge to the respondent member.

The Executive Director shall determine whether the charge warrants an investigation.

The Executive Director, with or without an investigation, may dismiss the charge or issue a complaint against the respondent. In either event, notice shall be sent to the charging party and to the respondent advising of the determination and of the charging party's right to appeal the dismissal of the charge.

The Executive Director's decision to dismiss a charge may be appealed by the charging party within thirty days of receipt of written notification. The Executive Director shall promptly forward copies of the appeal to the members of the AICP Ethics Committee. The Ethics Committee may remand the charge to the Executive Director for further investigation and/or reconsideration, or the Committee may reverse the Executive Director's decision if it is contrary to the provisions of the Code or to prior Committee opinions.

If the Executive Director issues a complaint against a member, the latter shall have thirty days from receipt of the complaint to respond. In the absence of extraordinary circumstances which, in the opinion of the Ethics Committee, warrant a special exception, the failure of a respondent to deny any fact alleged in the complaint within the thirty day period will be deemed an admission of such fact.

If the response to the complaint reveals any disputed material fact, the respondent shall be granted a hearing before the Ethics Committee of the AICP or before any member or members of the Ethics Committee designated by the Committee's Chair to conduct the hearing. The hearing shall proceed without application of formal rules of evidence; however, the substantive rights of the respondent shall at all times be protected.

If a hearing is held, those conducting it shall promptly issue findings of fact which shall be transmitted to the full Committee, the respondent and the charging party. If no material fact was in dispute and no hearing held, the Ethics Committee need not issue findings of fact.

On the basis of the findings of fact and admissions, the Ethics Committee shall determine whether the Code has been violated and issue an opinion. A copy of the opinion shall be transmitted to the respondent, the charging party and the Commission. The Ethics Committee may concurrently submit a recommendation to the Commission that the respondent be expelled, suspended, publicly censured, or privately reprimanded. The respondent shall be given no less than thirty days' notice to respond, in person and/or in writing before it is voted on by the Commission, which vote shall be within one year of the issuance of the complaint. Disciplinary action against a member and the official publication of an expulsion, suspension or public censure shall require the affirmative vote of two-thirds of the Commission.

The Executive Director shall publish all written opinions endorsed by the Commission or by the Ethics Committee, but shall omit actual names and places unless authorized by an affirmative vote of two-thirds of the Commission or in writing by the respondent.
Ethics Advisories. The AICP Code of Ethics and Professional Conduct provides for advice by the executive director on specific problems and questions concerning ethical behavior by members. The AICP Ethics Committee asks that such advice be codified as advisory rulings specified by the code.

Advisory Ruling No. 1: Sexual Harassment

Sexual harassment is unethical under the AICP Code of Ethics and Professional Conduct. Sexual harassment is also subject to penalty under law. The U.S. Equal Employment Opportunity Commission defines sexual harassment as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Two of the general principles in the Code are applicable to specific instances of harassment: Principle D(1) of the Code says that a planner must not commit a deliberately wrongful act which reflects adversely on the planner’s professional fitness; and Principle D(2) of the Code says that a planner must respect the rights of others and, in particular, must not improperly discriminate against persons. Unlawful sexual harassment as defined by the EEOC is a deliberately wrongful act.

Respecting the rights of others, under the Code, requires a standard of behavior higher than that defined as coercive or intimidating by EEOC. Conduct that may not have illegal effect may nevertheless be harassment. Joking or bantering about sexual subjects, comments suggesting sexual attractiveness, and comments disparaging women or men or their abilities generally may constitute petty harassment. If any such behavior is found offensive, offended persons should say so. The offensive behavior becomes harassment if continued after the offender is notified.

Negligence or omission on the part of an employer who is dismissive of a complaint of sexual harassment, and encourages the complainant to be tolerant of the offense is itself a form of harassment. So is a deliberately false accusation of sexual harassment.

Harassment is decidedly distinct from behavior occasioned when a genuinely mutual affection springs up between co-workers. [May 1988]

Advisory Ruling No. 2: Conflicts of Interest When a Public Planner has a Stake in Private Development

The Code of Ethics and Professional Conduct addresses conflicts of interest in Principal B(3): “A planner must not, without the consent of the client or employer, and only after full disclosure, accept or continue to perform work if there is an actual, apparent, or reasonably foreseeable conflict between the interests of the client or employer and the personal or financial interest of the planner or of another past or present client or employer of the planner.”

Conflicts of interest are reasonably foreseeable when a planner attempts to serve a real estate development client while also serving a public agency that may have a role in reviewing or approving projects of that client.

Inquiries from planners who contemplate combining activity in the real estate business with public planning work have fallen into a pattern as have the responses: Real estate is a popular investment, and planners, knowing a lot about it, are attracted to it.

“I have an opportunity to invest in a small development, but the proposal will come before my agency for approval. What do you advise?” Don’t do it. There are other investment opportunities.

“What if it’s put in my wife’s name?” Your wife’s financial interest is your financial interest and yours is hers.

“But, when it comes before us, I will exclude myself from the decision, and only other staff members will recommend on the proposal. I won’t take part at all.” Your colleagues work with you, know that your interests are involved, and can’t eliminate the influence of your relationship with them, even if unexpressed.

“My influence really can be a positive one on the developer. I know what would be good for the public and can work for a good design.” That’s what your agency is there for, and that’s why it has the power to review and approve.

“But what if I disclose everything to the director, and he gives his consent...?" He shouldn’t. I certainly would advise him not to.

“I will work for a broker in a neighboring jurisdiction across the state line. He doesn’t have a license in that state.” No, but some of his colleagues do. And some of the decisions affecting the broker’s business are regional decisions involving both jurisdictions.

A code of ethics should not be a what-can-I-get-away-with code. It should not be tortured into loopholes and technicalities that would allow a person to be formally correct while ethically wrong. The AICP Code looks for “more than the minimum threshold of enforceable acceptability. It sets aspirational standards that require conscious striving to attain.”
Developers can benefit from professional planning services and are just as entitled to fully conscientious advocacy of their interests as a public planning agency. A conflict of interest is inherent, however, in any assumption of both roles simultaneously.

There may also be a conflict when the roles overlap. A planner may move from employment by a public agency to employment by a private client. A conflict arises as soon as discussion is initiated for such a move. The public employer must, therefore, be notified promptly that such discussion has taken place whether or not it matures in a change of employment. This is decidedly earlier notice than is normal for a job change and it is notice of a change that may not take place. It is necessary, however, to guard against the substantial conflicts that would occur if a planner is in a position to influence the resolution of certain issues in public employ that will later affect the interests of a new, private employer.

Private planners and consultants who undertake work for a public agency, or change employment from private to public, must disclose any conflicts or potential conflicts to the public agency employer. [May 1988]

Advisory Ruling No. 3:
Outside Employment or Moonlighting

A planner's responsibility to an employer places significant restraints on accepting work for employers outside of the full-time commitments to the primary employer. A full-time member of a planning agency staff owes loyalty, energy and powers of mind primarily to its service.

The Principles in the Code that concern conflict of interest [B(3)] and using an office to seek special advantage [B(7)] must especially be applied.

A planning staff member must take no employment outside of official duties unless such employment creates no conflict with those duties either in the interests to be served or in competition for time and energy. If the planner decides that there will be no such conflicts, then outside employment must, in addition, receive the explicit approval of the employer.

No outside employment must be undertaken if its performance will reduce the quality or dispatch with which the staff member executes primary responsibilities. The number of hours and the scheduled times devoted to outside employment must not interrupt or interfere with the time that the primary responsibilities demand.

Outside employment must never deal with any matter that may require an action or recommendation by the primary employing agency. Neither must employment be taken with any person or organization that does business with any agency of the primary employer.

Public property must not be used for any private purpose including work that is performed for other employers.

Principle B[8] says that "A planner must not accept . . . work beyond the planner's professional competence or accept work which cannot be performed with the promptness required . . . " Since the schedules, deadlines, priorities and unanticipated time demands of the primary employer must always take precedence, the volume of outside work must necessarily be small and an outside employer must be informed that prompt execution will not necessarily be satisfied.

Both the planner requesting, and the authority giving, approval for outside employment should consider the main justification for approval is a demand for whatever special professional knowledge and experience the planner has that is not otherwise readily available. Service as a teacher or instructor is outside employment that is most justifiable and an unspecialized, general consulting practice least justifiable. [May 1988]

Advisory Ruling No. 4: Honesty in the Use of Information

As professional givers of advice—advice that may affect the well-being of communities and individuals for many years—we have a special obligation to cherish honesty in the information that supports our advice.

Yet, many daily pressures do battle against honesty. We are pressed to be effective advocates for a community, a private client, an elected administration or a cause. A political agenda is often formed before dispassionate study; those who have campaigned for it then look with passion for studies to support it. Decision-makers may demand a greater degree of certainty, or impose more rigorous criteria for decision, than the capability of analysis or sufficiency of data can satisfy.

The Code of Ethics and Professional Conduct is filled with prescriptions for honesty:

A-3] "provide full, clear and accurate information on planning issues to citizens and governmental decision-makers."
B-3] "only after full disclosure (on conflicts of interest)."
B-5] "must not . . . through use of false or misleading claims."
B-8] "must not accept . . . work beyond the planner's professional competence."
C-1] "must protect and enhance the integrity of the profession."
C-2] "must accurately represent the qualifications, views and findings of colleagues."
D-4] "must accurately represent (one's own) professional qualifications, education and affiliations."

In some situations, planners must not provide full information. Planners frequently have the role of negotiators whose effectiveness depends on not disclosing final positions that are acceptable. And, as the Code points out, "the need to provide full public information may compete with the need to respect confidences." Information that is disclosed in such circumstances
must, however, be honest and accurate.

It is part of professional conduct to communicate our ethical standards to clients, employers and the public. Communicating them early, before they need to be applied to a specific controversy, may ease pressures to abuse them.

There should be no need to explain what the code requires as full, clear and accurate information. Half-truths, deceptions and undocumented assertions don’t pass. A half-truth is a whole lie. Don’t cook the numbers.

There is also a positive duty on behalf of ethical treatment of information. In reporting the results of studies, planners must follow the scholar’s rule of making it possible for others to follow in our footsteps and check our work. Document the sources of data. Report the statistical procedures used, what was done to bring the raw data into the form that is reported. What assumptions were made at different stages in the study?

Public decision makers must often leap beyond the cautions and reservations of a careful study to achieve political solutions. Planners must take pains that our studies and recommendations are not wrongly interpreted, and that a clear distinction is made between factual findings and policy decisions. [March 1991]
APA’s Ethical Principles Include Simplistic Planning Theories

William H. Lucy

This commentary addresses five of the ethical principles for planners and public planning officials that the Board of Directors of the American Planning Association adopted on April 26, 1987. Principles 1 through 5 concern planning processes and political values. All 13 principles appear in full on these pages; my commentary focuses on the first five.

I am pleased that the American Planning Association has addressed the issue of ethical principles for planning. I am skeptical, however, about the appropriateness of the first five of the 13 principles that the APA Board of Directors adopted.

Principles 1 through 5 concern me for several reasons. First, they deal with some of the most difficult subjects of political and planning theory. Second, in some instances they reduce complex subjects to a single sentence and thus run the risk of trivializing the profession. Third, some of the principles are contradictory, either within a single principle or between principles. Fourth, some of the subjects should not be included in a statement of ethical principles, because of the oversimplification that brevity requires, the controversial philosophical issues they address, and the questionable conclusions they express. A statement in the July 1987 issue of Planning (p. 35) heightens my concern about those matters. The statement reads as follows: “APA encourages the adoption of the principles in this Statement by legislatures through ordinances or statutes, by public planning bodies through incorporation into bylaws, and by employers of planners, who may include them in personnel manuals and other employment policy documents.”

I can explain my concerns most clearly by commenting on each ethical principle in sequence.

1. Serve the public interest

APA quite properly advocates serving the public interest, but I do not know what APA intends by that. The most prominent opinion among political theorists seems to be that “the public interest” is a phantom, unless the phrase means only an accumulation of individual wants, the merits of which others have no right to judge. That is not my view of the public interest. Defending a concept of public interest that one cannot define solely as an accumulation of individual wants is a major task of political philosophy. The single sentence in the APA statement of principles about serving the public interest may seem harmless, but I question whether it is useful unless we elaborate on it. Such elaboration, however, would elucidate the complexity of the task and thereby raise doubts about whether APA should really include it in a statement of principles. I believe debate about the public interest is essential to the future of the planning profession and to the nation. The statement of principles may discourage such debate, because some will conclude from the simplicity of its expression there that nothing remains to be discussed.

2. Support citizen participation in planning

Citizens should have some participatory role between elections, including opportunities to initiate proposals and to review and comment on the proposals of others; but planners should be wary of the common defects in citizen participation. Participation usually does not come from a representative sample of the population. Often it reflects narrow self-interests rather than any larger sense of public concern, and more often than not it expresses the views of the wealthier and better educated strata of society. APA’s omission of any reference to the role of elections is unfortunate. While elections have many faults—including being too unfocused on planning issues to provide clear guidance—they do offer the widest forum for participation. They also lead to election of representatives whose functions include deliberation. One hopes that deliberation by elected representatives will at least occasionally produce greater insight than, say, a poll of a random sample of not-very-interested citizens. The appropriate role for elections, deliberative representation, leadership by chief executives and political parties, and participation by citizens by various means

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between elections are fundamental subjects for discussion and debate. We would do better to deal with those subjects in analysis and essays than in a brief statement of ethical principles.

3. Recognize the comprehensive and long-range nature of planning decisions

One problem with the formulation of the planning process in principle 3 is that comprehensive and long-range planning are not consistent with serving a public interest that is "continuously modified." A characterization given in principle 2, since broad and long-range planning intentions must adhere to more stable values. Perhaps APA's intent in principle 3 was to emphasize balance between careful attention to breadth and length of vision and the responsiveness that principle 2 emphasizes. The notions of balance and responsiveness are stretched beyond possibility by the additional injunctions in principle 3 to "continuously gather and consider all (emphasis mine) relevant facts, alternatives, and means of accomplishing them" and to "explicitly evaluate all (emphasis mine) consequences before making a recommendation or decision." Critics of "idealized" planning have consistently attacked such unrealistic demands as impossible to accomplish because planners have limited time, money, expertise, and decision-processing capacity. In addition, planners cannot consider all consequences, because there are no predictive theories about some consequences, theories about other consequences are inadequate, and knowledge needed to assess still other consequences is not available. Perhaps APA intended to present some notion of sufficiency. Indeed, principle 7 encourages such a hope, saying, "If the official has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the official must not participate in that decision." Principle 3, on the other hand, suggests an image of ivory tower planners far removed from arenas in which officials must make decisions with insufficient time, information, or expertise, as usually happens with important decisions. Certainly it is excessive to make an impossible assignment an ethical injunction; but that is precisely what principle 3 does. APA should, at least, revise that principle to make it consistent with the "sufficiency" spirit of principle 7.

4. Expand choice and opportunity for all persons

My own political preferences include expanding choices for disadvantaged persons, as suggested in principle 4, and doing so by changing restrictive policies, institutions, and decisions. But that requires restricting the choices of some persons rather than expanding them. If the material pie is expanding more slowly than the population is increasing, as has been occurring in recent years, then that calls for some redistribution of benefits and some limitations on choices accompanying the redistribution, if we are to expand opportunities for the disadvantaged. Furthermore, environmental conservation in particular requires limiting choices, and those limitations must apply to the disadvantaged as well as to the advantaged.

5. Facilitate coordination through the planning process

This principle at first seems intended merely to encourage open and timely dissemination of information. But I also infer from it that it assumes an unrealistically pleasant and cooperative context for planning. It promotes cooperation as a planning ideal. But the adjustments on behalf of the disadvantaged, which principle 4 advocates, may call for some public officials, including planners, to develop coalitions of support on behalf of change. Planners have finally begun to pay more attention to the importance of devising strategies to cope with opposition in competitive contexts. We should not place a label of "unethical" on strategies to overcome opposition to low income housing, landfill sites, homes for retarded citizens, neighborhood parks, annexation, and progressive taxation, merely because those strategies recognize that voluntary cooperation may not produce the desired results. Sometimes we best promote the public interest by coping with competition and opposition. Emphasizing coordination as a planning ideal may reflect avoidance of competitive political realities.

I hope that APA will give the statement of ethical principles additional deliberation, and that APA officials will consider revising or eliminating principles 1 through 5.
APA ethical principles for planning

1. Serve the public interest. The primary obligation of planners and public planning officials is to serve the public interest.

2. Support citizen participation in planning. Because the definition of the public interest is continuously modified, the planner and public planning official must recognize the right of citizens to influence planning decisions that affect their well-being. They should advocate a forum for meaningful citizen participation and expression in the planning process and assist in the clarification of community goals, objectives, and policies in planning.

3. Recognize the comprehensive and long-range nature of planning decisions. The planner and public planning official must recognize and have special concern for the comprehensive and long-range nature of planning decisions. The planner and official must balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. The planner and official must continuously gather and consider all relevant facts, alternatives, and means of accomplishing them. The planner and official should explicitly evaluate all consequences before making a recommendation or decision.

4. Expand choice and opportunity for all persons. The planner and public planning official must strive to expand choice and opportunity for all persons, recognize a special responsibility to plan for the needs of disadvantaged people, and urge changing policies, institutions, and decisions that restrict their choices and opportunities.

5. Facilitate coordination through the planning process. The planner and public planning official must facilitate coordination. The planning process should enable all those concerned with an issue to learn what other participants are doing, thus permitting cooperation as a means of accommodating interests. The planner and official must ensure that individuals and public and private agencies possibly affected by a prospective planning decision receive adequate information far enough in advance of the decision.

6. Avoid conflict of interest. To avoid conflict of interest and even the appearance of impropriety, the public planning official who may receive some private benefit from a public planning decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to relations, friends, groups, or associations that hold a significant share of the official’s loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, not participate in any deliberations on the matter, and leave any chamber in which such deliberations are to take place. The official must not discuss the matter privately with any other official voting on the matter. A private sector planner who has previously worked for a public planning body on a plan or project should not appear before that body representing a private client in connection with proposals affecting that plan or project for one year after the planner’s last date of employment with the planning body.

7. Render thorough and diligent planning service. The planner and public planning official must render thorough and diligent planning service. Should the planner or official believe s/he can no longer render such service in a thorough and diligent manner, s/he should resign from the position. If the official has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the official must not participate in that decision.

8. Not seek or offer favors. The public sector planner and public planning official must seek no favor. The planner and official must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part. The private sector planner must not offer any gifts or favors to influence the recommendation or decision of a public sector planner or public planning official. The private sector planner should oppose such action by a client.

9. Not disclose or improperly use confidential information for financial gain. The planner and public planning official must not disclose or improperly use confidential information for financial gain. The planner and official must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, or (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the planner or official has verified the facts and issues involved, has exhausted efforts to obtain reconsideration of the matter, and has sought separate opinions on the issue from other planners or officials.

10. Ensure access to public planning reports and studies on an equal basis. The public planning official must ensure that reports and records of the public planning board are open equally to all members of the public. All non-confidential information available to the official must be made available in the same form to the public in a timely manner at reasonable or no cost.

11. Ensure full disclosure at public hearings. The public planning official must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question received in the mail or by telephone or other communication part of the public record.

12. Maintain public confidence. The public planning official must conduct himself/herself publicly so as to maintain public confidence in the planning planning body, the official’s unit of government, and the official’s performance of the public trust.

13. Respect professional codes of ethics and conduct. The planner and public planning official must respect the professional codes of ethics and conduct established by the American Institute of Certified Planners (AICP) Commission and by several professions related to the practice of planning. Professional codes commonly establish standards of professional conduct and include provisions that protect the integrity of professional judgment and describe the professional’s responsibility to the public, clients, employers, and colleagues.
LETTERS TO THE EDITORS

From the Board: A Heated Response on Ethics

As a planner or planning official, how long would you last if you battled citizen participation, fought against the public interest, advocated disjointed, ad hoc, noncomprehensive decisions, constrained choice and opportunity for all persons, and generally promoted secrecy and chaos through the planning process? Probably less time than it took us to read and become incensed by William H. Lucy’s commentary on APA’s “Statement of Ethical Principles for Planning” in the Spring 1988 issue of the Journal (54, 2: 147-48).

Lucy, an associate professor of planning at the University of Virginia, contends that the statement, drafted by the AICP Commission’s ethics committee and adopted by the APA board in April 1987 (see Planning, July 1987), contains “simplistic planning theories.”

He urges that the APA board delete the first five of the thirteen principles from the statement. These principles address the topics described above, which, Lucy concedes, “deal with some of the most difficult subjects of political and planning theory.”

Why should these principles be omitted? According to Lucy, “because of the oversimplification that brevity requires, the controversial philosophical issues that they address, and the questionable conclusions they express.”

Rubbish, we say.

For example, Lucy inveighs against citizen participation, since it “usually does not come from a representative sample of the population.” Instead, “it reflects narrow self-interests rather than any larger sense of public concern, and more often than not it expresses the views of the wealthier and better educated strata of society.”

That’s not our experience. In planning, we’ve found, when you ask for the public’s views, you get them, but never neatly stratified by socioeconomic groups. Where citizen participation is done right, it’s noisy, scrappy, and wonderfully evocative of a community’s full range of perspectives. Moreover, most elected officials approach complex planning problems pragmatically; they want to hear how proposed plans affect interests, so that those interests can be reconciled rather than ignored.

Lucy finds it “unfortunate” that no mention is made of elections as a form of citizen participation. Yet, even when planning topics are the subject of referenda, the results are often no more cut-and-dried than the citizen participation process Lucy dismisses; the relative inflexibility of referenda makes them impractical for addressing many planning alternatives.

Lucy feels that, to be useful, the principle of serving the “public interest” should be elaborated upon. Then, in a turn of stunning inconsistency, he writes, “Such elaboration, however, would elucidate the complexity of the idea and thereby raise doubts about whether APA should really include it in a statement of principles.” Thus, Lucy has argued that the statement should leave out both simple and complex ideas.

The statement makes it clear that the public interest is “continuously modified” through political debate. But that doesn’t make it impossible to pin down. We agree with the definition of public interest proposed by sociologist Herbert Gans: the public interest entails protecting public health and safety (that is, ensuring physiological survival of members of a community), protecting the integrity of the rules by which political goals are established (procedural due process), and fostering political equality (Commentary, Journal of the American Institute of Planners 39, 3: 10-11).

Lucy invokes the old totem arguments of limited time, money, and knowledge in asserting that the “idealized” search for alternative solutions is consigned to failure and that, therefore, planning can never be comprehensive.

Here Lucy is overreaching. Should we give up, narrow our visions, and salve our consciences with sloppy, unimaginative work? The ethics statement says simply that planners and public planning officials have a duty to be systematic and rigorous. What’s wrong with that?

Lucy favors expanding choices for disadvantaged persons, a special emphasis of the statement, “but,” he continues, “that requires restricting choices of some persons rather than expanding them.” We say that benefiting disadvantaged persons through planning merely levels the playing field and gives choices to those who have few, if any, choices at all, which is the goal of fostering equality.

Lucy points out that “environmental conservation in particular, requires limiting choices, and those limitations apply to the disadvantaged as well as to the advantaged.”

If we assume that real environmental conservation is aimed at ensuring the physiological safety and survival of our species (rather than the phony kind that results in perpetuating large lot zoning in wealthy communities), doesn’t it follow that the option of safety and survival is the most expansive choice of all?

The statement emphasizes that, through coordination, the planning process “should enable all those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interests.” Lucy maintains that this approach assumes “an unrealistically pleasant and cooperative context for planning.” (The shocked italics are ours. Hasn’t Lucy heard of the “kinder, gentler” government of President George Bush?) In Lucy’s meaner world view, planners instead should “promote the public interest [there are those two words again] by coping with competition and opposition,” rather than facilitating accord. Better, we think, for planners to live humbly for a cause than to die nobly for one.

Ethics makes people uncomfortable. But planners and planning offi-
ials should not shrink from grappling with it merely because it is complex and prickly. For that reason, we don’t share Lucy’s enthusiasm for pruning APA’s ethics statement.

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NOTE

1. Published research directly conflicts with Lucy’s contention that citizen hearings on planning issues do not reflect the views of the public. See K.G. Gundry and T.A. Heberlein, Do Public Meetings Represent the Public? Journal of the American Planning Association 50, 2: 175–82. Gundry and Heberlein conclude that the “opinions obtained at public meetings appear to broadly represent those of the relevant public if the meetings are well publicized, if they are held so that all parties have easy and equal access, and if all participants at the meeting are consulted about their opinions.” The research was based on three case studies in Wisconsin. Compare with J.D. Hutcheson, Jr., Citizen Representation in Neighborhood Planning, Journal of the American Planning Association 50, 2: 183–93. Hutcheson found, in an analysis of neighborhood residents and participants in the neighborhood planning process in Atlanta, that “although participants’ characteristics and opinions are different from those of the general population, participants are not oblivious to the concerns of their neighbors, and they have realistic perceptions of the representativeness of the process.”

Paradigm Busters — Who You Gonna Call?

In the Spring 1988 and Winter 1989 issues of the Journal (54, 2: 241–48; 55, 1: 78–84), Michael Brooks, Henry Cisneros, Peter Marcuse, Michael Teitz, and Marc Weiss have engaged in a debate over the past and future of the planning profession. I believe that now it is time to hear from a front-line practitioner.

As I see the debate, Pogo was right: “We have met the enemy and it is us.” Barry Checkoway has observed in Strategic Perspectives on Planning Practice that “planning in the United States is in transition. Contextual conditions are causing change and challenging planners to reconsider earlier approaches.” Checkoway contends that “new initiatives are needed to relate strategic thought and action to implementation in diverse domains, territorial areas and functional fields.” In a similar vein, Judith Innes de Neufville notes, “[T]he evidence is that theories of planning are increasingly at odds with the experience of research and practice.” She believes “it is time for a revolution in planning thought,” and argues that “it is time to develop a new way of seeing the problems and the task of planning—to make a gestalt shift to a paradigm that will provide a more satisfactory mesh with reality, a more usable set of goals for practice, and a more fruitful direction for theoretical inquiry.”

Indeed, the planning profession today is at a crossroads. Nothing less than the future of the profession may be at stake. We can return to the failed utopian policies and practices of the past, or we can instead be paradigm busters and lead the way to a more exciting, rewarding, and effective profession. Practitioners are leading the way and speaking out. They are aggressively discarding failed theories and outdated concepts and are developing new, innovative techniques and practices that produce results. They are becoming effective, and they are making a difference.

Yet, after 20 years of experience as a practicing planner, years of research, and hundreds of interviews with planners and public officials, I have concluded that the paradigm governing traditional planning theory is not consistent with the emerging principles, strategies, and tactics that are being successfully used by effective city planners. It is time for the academic community to reexamine critically their theories of planning. Academic scholars must give up their filtering mechanisms that let them screen out, distort, or ignore what doesn’t fit their preconceptions, and they must try to develop new theories and ideas that mesh with the realities of successful practice. This will take courage and a willingness to fail as new paradigms are developed and tested. But it must be done.

Contrary to what some recent IAPA contributors have suggested, the practice of planning has never been more visible, useful, valued, and effective than it is today. Planning is “in,” and it is “in” because it is being done better than ever. Planners who are responsible for this resurgence in the field share a number of essential traits:

- They work for their clients, not themselves. They get close to their clients, they listen to them, they care about them, and they involve them in the development and delivery of useful, quality products and services. They create, in Alvin Toffler’s word “prosumers,” meaning that they integrate production and consumption.

- They understand and value the political decision-making process and they use consensus building, conflict resolution, negotiation, and compromise to develop alternative, politically viable solutions to tough, difficult problems. They respect and trust decision makers and earn the trust and respect of those in-
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volved in the decision-making process.
• They know that effective planning means solving problems, not producing plans, reports, or studies. They have a bias for action, and practice strategic planning. They use logical incrementalism gradually and systematically to achieve longer-range goals and objectives.
• They deliver high-value, streamlined plans, reports, and studies that emphasize communication and understandability. By shrinking the size of the product, they increase the ratio of value to size, and this makes the product better and even more effective.
• They are committed to innovation and entrepreneurship. They constantly seek new clients and look for opportunities to develop needed products and services. They enhance existing products and discontinue outdated products and services. They make hard budget choices that maximize their effectiveness. They don’t wait for change; they help create it.
• They are network builders, educators, coaches, cheerleaders, and team players. They enjoy their work and are fun to work with. They make others more productive and are considered to be an asset to the decision-making process. They are not lone wolves, isolated, arrogant, or utopian in thought. They are practical problem solvers who believe in making a difference. They are valuable, and they do make a difference.

During the country’s bicentennial, some communities painted their fire hydrants red, white, and blue. Neighborhood dogs were then faced with the choice of denying their most basic impulses or desecrating the metal equivalent of the flag. It was a very stressful time to be a dog. The academic community is faced with a similarly stressful situation. Too many suffer from paradigm paralysis. We need new theories and paradigm flexibility. In the words of Austrian anthropologist Konrad Lorenz, “[T]ruth in science can be defined as the working hypothesis best suited to open the way to the next better one.” If we can have truth-in-lending laws, why can’t we have truth in planning?

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Methodology in the Driver’s Seat

What factors influence mass transit use? In “Analysis of Trends in Transit Work Trips” in the Winter 1989 issue of the Journal (55, 1: 38–44), Alan Black aimed to cancel out some of the confusion in answering this question for the period 1970 to 1980, by invoking a range of demand and supply considerations in a regression framework. Black’s explanation unfortunately misses the mark, and demonstrates the extent to which some policy implications owe their creation to erroneous empirical analyses. For example, not only are some of the nuts and bolts of the model in doubt, but so too are the planning implications that it suggests.

The first flaw stems from inappropriate aggregation. Implicitly, in using the percent of the Standard Metropolitan Statistical Area (SMSA) work force taking mass transit to commute to work (labeled PCT80) as the dependent variable, Black assumes that New York City is as important as Saginaw, Michigan, and that Saginaw is as important as Atlanta (if in the sample) in explaining mass transit use. A few facts underscore the error here. According to Fulton (1983), the largest 35 cities in the United States accounted for more than 80 percent of all the commuter use of public transportation in 1980. Moreover, the top six SMSAs, ranked on the number of workers using mass transit to get to work (i.e., New York City, Chicago, San Francisco, Boston, Washington, and Philadelphia) contain more than half of all transit commuters in the United States (Fulton 1983). New York City alone accounted for more than 24 percent of all mass transit use in the United States (Fulton 1983). Unweighted analysis of these cities’ mass transit therefore makes little sense. A transit use equation weighted by population size would have made more sense theoretically and would probably correct an unequal variance problem inherent in the data as well.

The second flaw arises from the implausibility of Black’s estimates for mass transit use (PCT80). As most of us know, urban planners care about the magnitude of policy effects that are, in a regression model, represented by the size of the coefficients on the explanatory variables. However, the effect that Black attributes to income (INCOME) in transit use appears both unrealistically high and in the wrong direction. As evidence, consider the regression coefficient on INCOME itself, which can be directly interpreted as an elasticity, since both mass transit use (PCT80) and INCOME are expressed as a percentage. Black’s analysis shows that a 1-percent increase in income would result in a .275-percent increase in mass transit use. Thus, if income were to increase by 10 percent, mass transit use would increase by 2.75 percent, a possibility that is highly doubtful and largely counterintuitive. Does increased income lead to increased mass transit use? Probably not.

This result reflects a more fundamental flaw with the analysis: namely, that automobile availability directly affects mass transit use. The problem here becomes more clearly understood if mass transit use is thought of as the demand for mass transit. In this case, when automobile availability (NOCAR) is included in a single equation model to predict mass transit use, two demand equations are really muddled—one for mass transit use, and one for automobile availability. The problem thus becomes one of misspecification, by definition. To understand mass transit, both types of demand need to be explained, so that mass transit effects independent of automobile availability can be estimated. A system of

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Above Reproach

A review of the profession's codes of ethics.

By Sandra Olivetti Martin

So far at least, the planning profession has largely avoided any monumental breach of ethics that might electrify public attention and draw immediate new regulation. In other words, it has been spared a disaster on the order of the Watergate fiasco. But as the stakes of planning decisions rise and the process goes increasingly public, the subject of ethics has taken on a new urgency for the profession.

"Professional planners and planning officials must be above reproach. We've got to come to the table with clean hands," says Stuart Meck, president of the American Planning Association and past chair of the American Institute of Certified Planners' ethics committee. The committee was instrumental in writing the two codes of ethics that now govern the profession—one adopted in 1987 by APA, another adopted in 1981 by AICP. AICP's code is binding on certified planners, while the APA advisory code hopes to guide students and noncertified planners.

Now the question is how well planners are guided by these codes. Are they sufficiently comprehensive? relevant? timely? And what is being done to help planners apply abstract ethical principles to individual actions?

In committees, in print, and in professional meetings, planners are examining those issues. "We want to get planners thinking about how ethics should affect their everyday decisions. We want to educate people now rather than slap their hands later," says Carol Barrett, a planning consultant in Austin, Texas, and an eight-year member of AICP's ethics committee.

Rising stakes
Conflict of interest is perhaps the thorniest issue for all the professions that represent the public interest, planning among them. The temptation to convert the public interest to profit—for one's self, one's allies, or one's ideals—is nothing new. But as the stakes rise, so do the temptations.

In a charged environment where space is shrinking and land values skyrocketing, sweetheart deals and outright bribes are commonly rumored and sometimes documented. No player—not the professional planner, the citizen planner, nor the influential politician—is ex officio, above reproach. "We work in a fishbowl of politics and public policy making," says Martin Wachs, head of the urban planning program at the University of California, Los Angeles.

Two recent cases illustrate the scope of the issue. In Enfield, Connecticut, a former town planner was convicted last December on extortion and bribery charges for demanding that a real estate broker split a commission in return for zoning approval of a re-
development project.

In Prince George's County, Maryland, at least one county council member is alleged to have urged decisions that benefited a partner. In response, the Maryland general assembly in April passed a landmark law forbidding county council members from deciding zoning cases of applicants who have contributed to their political campaigns. In the ensuing furor, the Prince George's council suspended all zoning decisions for a month.

The under-the-table offering is a temptation more common to elected officials involved in the planning process than to practicing planners, Barrett and others say. But professionals have their own vulnerabilities, particularly in the gray area between the "public good" and private interest.

"Ethics is not simply whether or not you take a bribe," says Barrett. "Ethics extends to every decision we make about using the resources we manage—now and in the future." Today's activist climate complicates the issue. Instead of remaining behind the scenes as they used to, planners are often asked to become outspoken advocates of a cause. The dilemma then is how to balance personal integrity with a planner's professional role.

Last January, for example, a former Fairfax County, Virginia, planning director wrote to an "alumni group" of former county planners now employed in the private sector urging them to "bring their expertise and institutional memory" to the county's review of its comprehensive master plan. Since some of the recipients of that letter are now involved with development projects in the county, it is fair to ask whether their participation in the master plan review is entirely in the public interest. It's not surprising, then, that distinguishing private interest from the public good is a dominant theme of both the APA and AICP codes.

Guidelines

The two codes have other features in common, as well. Both place planners under an ethical obligation to "expand choice and opportunity for all persons." Both identify a special responsibility to the disadvantaged. And both cite the planner's responsibilities to the profession. But while APA's "Ethical Principles for Planning" are advisory, AICP's "Code of Ethics and Professional Conduct" lays a series of obligations on certified planners and enforces its standards with sanctions.

The 13 ethical principles adopted by the APA in 1987 fall into three general categories: respect for equal access and the public interest, commitment to personal and professional integrity, and awareness of planning's relationship to larger processes and patterns. Some of the items are quite specific. Principle six, for instance, avoid conflict of interest, establishes guidelines that could be followed to the letter. Other standards are broad statements of lofty intent. Principle one, for example, identifies serving the public interest as the "primary obligation" of planners but adds no direction or discussion.

The principles were drafted by AICP's ethics committee in response to "the many requests for guidance made by APA members who were not licensed," according to then-chairman Meck. They went through public hearing and revision before APAs board of directors adopted them.

Intended to be "useful and applicable," the principles have no intrinsic binding power. However, the APA "encourages" their adoption "by legislatures . . . public planning bodies . . . and by employers of planners."

AICP's 1981 Code of Ethics and Professional Conduct is the profession's ethical foundation. It is also the model for APAs newer principles, many of which follow AICP's word for word. The code is made up of 28 principles divided into four categories of responsibility: to the public, to clients and employers, to the profession and colleagues, and self-responsibility.

The AICP code is a "guide to ethical conduct" in both personal and professional actions. It "sets aspirational standards that require conscious striving to attain." Thus it advises planners that

"an ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire code."

The document details more responsibilities than APAs principles and makes some transition from abstraction to action. For example, its statement that a planner has a "primary obligation" to the public interest recognizes the "conscientious balancing" that obligation requires.

Israel Stollman, executive director of both APA and AICP, recalls the motives that shaped the AICP code: "As we wrote it, we asked ourselves, 'Should we be prohibitive, dealing only with what is out-and-out bad?' We opted for aspiration. But we knew we might not be able to enforce that standard. How do you say to a planner, 'You did not aspire high enough?'"

At the professional level, AICP's code carries the weight of binding authority. It obliges certified planners to abide by its provisions.
The ethics code is a start, but to several observers within the profession, more is needed. For example, Martin Wachs, head of the urban planning program at UCLA, urges that the principles be matched to our rapidly changing times. What the profession needs most in these times, he says, is guidelines for gathering and interpreting data. Noting how easy—and tempting—it is to manipulate or misrepresent data to satisfy a goal, Wachs argues that planners' codes should explicitly address the ethical dimensions of technical information within our profession.

University of Virginia planning professor William Lucy fears that APAs ethics code does not focus attention on the planner's need to balance competing objectives. "Expanding choice and opportunity for all, for example, is good, but not if the dynamic thereby unleashed withdraws resources from the poor as richer people move away to avoid the higher taxes that go with more services," he says. Instead of encouraging discussion of such questions, he adds, APAs code discourages debate. "In some instances [the code] reduces complex subjects to a single sentence and thus runs the risk of trivializing the profession," Lucy wrote in the Spring 1988 issue of the Journal of the American Planning Association.

Private-public partnerships worry both Arnold Cogan and Carol Barrett, who calls them "today's slipperiest slope." Federal, state, and local governments place great stock in such partnerships, counting on them to stimulate economic development and, eventually, increase government revenues. But if corporate interests come to dominate local government policy, "planners can indeed face ethical dilemmas," warns Cogan, a Portland, Oregon, planning consultant who writes about ethics for APAs Oregon chapter newsletter.

Israel Stollman notes that planners ethical responsibilities cover the waterfront. Like practitioners in other fields, planners have responsibility to their clients, to fellow professionals, to themselves, and to the public. "But a planner," says Stollman, "also contemplates an ethical duty to a public that cannot yet vote because it is not yet here."

How, then, do planners balance present and future benefits? How, for example, do they balance the competition between developing today and holding open space in reserve for future generations? Its a question Stollman isn't ready to resolve in a twopage advisory and is thus an issue ripe for exploration and debate.

This year, debate will extend even to the AICP code itself, as the code is reviewed by the ethics committee, the AICP Commission, and then by APA chapters and individual planners. The weight public comment carries is indicated by the fate of a pair of proposed amendments to the code published in Planning in January for members' comments. The amendments were intended to clarify planners' relationships with clients and employers. But members complained to the committee that they instead placed planners in jeopardy for innocent actions. In consequence, the amendments were scrapped.

"We got so serious and provocative a response that we decided the time was ripe to reconsider the whole code," says new ethics committee chair Perry Noron.

"Twenty years go," says Stuart Meck, "you could run a commission or hearing by the garage-sale school of land regulation. 'Who cares?' and 'Nobody will ever know' were the bywords of that school. Now you can't. Today there are consequences for unethical behavior, bad faith, violation of due process. It's a whole new era."

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American Codes of Planning Ethics: Content, Development and After-Effects

The 1980s was the decade when planning ethics finally gained some stature in North America. Not only was there a marked increase in the number of articles published on planning ethics, but graduate planning schools began paying more attention to ethics in their curricula. In addition, considerable activity occurred on the codes of ethics front. During the 1980s, two different codes of ethics for planners were adopted in the United States. The first was in 1981, when the American Institute of Certified Planners (AICP) adopted a code of ethics and professional conduct. A complete overhaul of the code of professional responsibility which its predecessor, the American Institute of Planners (AIP), had adopted ten years earlier in 1971. The second code, "Statement of Ethical Principles for Planning," adopted in 1987 by the American Planning Association (APA), replaced the 1962 code of its predecessor, the American Society of Planning Officials (ASPO).

While some American planners were probably aware that their respective planning organizations adopted ethics codes in the 1980s, few probably knew what expertise, the profession, through its code of ethics, assures the public that it will police its members, imposing sanctions on those who violate its provisions. Neither a crisis nor widespread interest among planners in the United States explains why these planning codes were revised in the 1980s. Unlike the fields of business, law, and medicine, where ethical dilemmas were more troublesome and prominent in the 1980s, prompting the professional groups in these fields to take a much closer look at the adequacy of their codes of ethics, no such pressing need existed in the planning field.

Now, I am one of those oddballs who actually reads professional codes of ethics with some interest. I even have a fairly thick file of assorted codes of ethics from fields like social work, law, public administration, engineering, architecture, and business stacked away in my file drawer. My interest in codes was piqued initially by research I did in the late 1970s with my colleague Elizabeth Howe. On the ethical views of American planners (Howe and Kaufman, 1979). Our research indicated that at that time, few American planners had any knowledge of what was in these codes. This is not meant as a criticism of planners, since codes tend to be exceedingly dry and uninspiring documents to read. Although they might contain some language exhorting professionals to ethically exemplary behavior, codes are basically documents which fulfill a contract between the profession and the general public. To wit: in exchange for the public conferring legitimacy on the profession to practice its was in the AICP or ASPO codes. But the main reason I started to show signs of becoming more of a code "junkie" was because I became a member of the committee that drafted the AICP code.

Hendler (1990) recently compared the American and Canadian codes of planning ethics. Finding fault with both codes. In developing a case for a more participative and comprehensive approach to preparing professional codes of conduct in planning, she noted how difficult it was to trace the development of a code, because codes are given so little attention. To this date, no account has ever been published of how any of the recently adopted planning codes came into being. Partially to fill this vacuum, and to highlight the varied influences that shape the form and content of codes, I will discuss how the AICP code came to be as it is in this paper. What were the major influences that shaped its structure and content? How extensively was it reviewed by others? What were the main criticisms of early drafts of the code? In what significant ways did the code change from its original to final form?

Making the AICP Code of Ethics

The governing board of the American Institute of Certified Planners adopted the AICP code of ethics and professional conduct in September 1981. It took two and a half years of effort to reach that point, the processing starting in early 1979. During this period, a six-person AICP committee, aided by AICP's Executive Secretary (who was also the Executive Director of the American Planning Association) and its attorney, drafted five different versions of the code.

Because the committee had limited funds for travel, it met only two times as a full committee during the two and a half years. To compensate for this, several telephone conference calls were arranged so that committee members could exchange views. The first chance the broader AICP membership had to react to the code was in August 1980, some 18 months after the code-drafting process had started. About 125 planners in leadership positions in the profession were sent the third draft of the code for comment. An open forum to seek opin-
ions about the code from planners was held at the annual conference of the American Planning Association in the fall of 1980. A later version of the code was published in the July 1981 issue of the *APA News* as well as in a number of APA Chapter newsletters to get additional member reaction.

The code was a hybrid product influenced in several ways. In the early stages of its development, three factors stand out as most significant in shaping its form and content: the old AIP code of ethics, which became the symbol of what the committee did not want in a code; the recently adopted code of ethics of the National Association of Social Workers (NASW), which influenced the structure of the AICP code; and AICP’s Executive Secretary, who was given responsibility for preparing all but the first draft of the code. Later in the process, when the third draft of the code was sent to AICP members, membership feedback resulted in changes to certain parts of the code.

**The Early Influences**

In February 1979, AICP’s governing board, the AICP Commission, appointed a six-person committee and asked it to recommend the test of the new code of ethics. No pressure from within the profession led the Commission to do this. Its reason was logical. Since AIP and ASPO had merged to become APA in the mid-70s, with AICP becoming AIP’s successor as the professional guild organization, some felt the time was right to consider how appropriate the 1971 AIP code was for the newly created AICP.

The code committee, to which I was appointed as a member, had a narrow charge to begin with. Although directed to recommend the full text of a new code, the committee was instructed to “limit the code to professional conduct (as contrasted with social responsibility or organization policy) and to enforceable behaviour standards (as contrasted with aspirations to commendable behaviour).” It is interesting to note that this narrow charge was essentially disregarded by the committee, since the code eventually adopted two and a half years later dealt not only with social responsibility issues but also included, as previously mentioned, numerous aspirational provisions.

To get things moving after a slow start, a committee meeting was held, with only three members present, in conjunction with the fall 1979 APA conference to discuss a list of issues to be dealt with in the new code. The list, prepared by the committee chair—a planning consultant who was also a member of the AICP Commission—keyed on several changes that might be made to the old AIP code.

In December 1979, the committee chair wrote a first draft of a code, structuring it basically along the lines of the old AIP code with canons and rules of discipline. Other committee members were lukewarm toward his draft. The majority of them had a somewhat hazy sense that the AIP code was not the best model to follow and perceived the chair’s draft to differ only slightly from the AIP code. His draft, though, did serve a useful purpose because it helped the committee form a consensus that the AIP code could not just be tinkered with—it needed to be substantially overhauled. Three problems came into focus about that code. It dealt with too many “professional etiquette” matters, particularly relating to consultants. It overemphasized what planners should not do, unethical behaviour, instead of what they should do to be more ethical. And it did not speak sufficiently to some emerging professional issues such as dissent within an agency, social responsibility, and environmental responsibility.

The decision to scrap much of the old AIP code was a pivotal one for the committee. Not only was attention focused on things it did not want in a code, but the committee was also pushed to search for other models for the new planning code. A memo prepared in late 1979 by Israel Stollman, AICP’s Executive Secretary, took on more significance because it compared certain features of professional codes in design professions like architecture and civil engineering. This memo also served to reinforce the first canon in the AIP code that “the planner serves the public interest primarily,” because it noted that these other codes also afforded a primary place to the public interest in the canons of their codes.

But the code that had the most profound influence on the committee’s thinking was the code of the National Association of Social Workers (NASW); a draft copy of which I had seen in mid-1979. I was impressed with several features of this code, and sent it to my colleagues on the committee. For one, the NASW code, which was officially adopted in July 1980, had a full preamble that clearly identified the fundamental values of the social work profession that the code was based on, as well as stressing the code’s value in helping social workers make judgments about ethical actions before and after they occur. It was also a code that differed from other codes in its structure. Its provisions were grouped under six headings. The categories signalled that social workers had ethical responsibilities to different groups, and that there was some merit in highlighting these distinctions. Finally, the NASW code included more provisions stipulating standards for exemplary ethical action than the old AIP code did. As an educator, I felt it was important for our new planning code to provide more guidance to planners about what they should do to be more ethical as planners. Few planners, in my judgment, were going to be the “bad apples” that code enforcement procedures are designed to weed out of the profession. The NASW code seemed to me to be on the right track because it provided a better balance, supplementing provisions on what social workers should do with more provisions about what they should do to act more ethically as professionals. I advocated that the NASW code be used as the model for us to follow and this was basically accepted by other members of the committee.

The other important shaper of the committee’s thinking in its early stage of work was Israel Stollman, AICP’s Executive Secretary. The committee delegated Stollman responsibility to write drafts of the code. He was assisted by AICP’s attorney in this task. Stollman headed the committee that drafted the code of ethics for the American Society of Planning Officials. His interest in codes

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of ethics for planners continued into the late 1960s when he prepared a document, "Requirements of Professional Conduct," which was intended to be a cornerstone of a new AIP code. Although the ethics code AIIP subsequently adopted in 1971 bore little resemblance to Stollman's "Requirements" proposal, several of the provisions in Stollman's late 1960s document, not surprisingly, were reflected in draft versions of the AIICP code which he prepared in 1980. With minor modifications in wording, all of the following provisions from his 1968 document ended up in the AIICP code adopted 13 years later:

- A planner shall serve the public interest primarily.
- A planner shall base his [sic] recommendations, not upon the unvarying application of fixed principles, but upon diligent study of the relevance of principles to each unique problem.
- A planner shall limit the scope of his advice to his professional and personal competencies.
- A planner shall assist his employers, junior associates, and students in fostering their professional development.
- A planner must continue to develop his knowledge and skill throughout his career.
- A planner may use his professional knowledge and skills as a citizen or volunteer at no compensation when he deems this service to be in the public interest.

The Later Stages

In August 1980, a year and a half after the committee began its work, a draft version of the code was finally sent to AIICP members for review. In terms of the number of responses received, the reaction was moderate. APA chapter officers representing a third of the state chapters sent back written comments. Many of the letters received included from one and a half to two and a half typewritten, single-spaced pages of comments.

Comparing the final adopted version of the code to the third draft shows that the die was pretty well cast by the late summer of 1980. At least 70% of the provisions in the August 1980 draft of the code, with slight modifications in wording, were to remain in the adopted version of the code.

What were some of the main features of this late summer 1980 draft of the code? It had a preamble which recognized both the enforcement and aspirational purposes of the code. The planner's ethical responsibilities, reflecting the format of the NASW code, were grouped into four sections — the public, clients and employers, the profession and colleagues, and self-responsibility. The primary obligation of planners to serve the public interest was stated and a number of "abiding elements" of the public interest (later to become "special obligations") were listed. Of the eight provisions in the key section on the planner's responsibility to the public, half dealt with planning for the needs of disadvantaged groups and persons. Some uncommon code provisions were also present in this draft. They included one provision urging planners to seek mediation or arbitration when conflicts with colleagues "require resolution for compelling professional reasons" and another one urging them to examine the "social" as well as physical, economic, and fiscal consequences of alternative public actions. Other uncommon provisions which survived were one on whistle-blowing, and another one that required planners systematically and critically to analyze ethical issues in their practice.

Reactions from planners who sent back comments varied. Some expressed general support for the committee's work, e.g., "the code is a considerable improvement over the old one;" "we agree with the substance of the draft and commend its authors for its comprehensiveness;" "the code is readable and understandable and therefore more usable." Supporters also usually included a few suggestions for change.

But far more common were letters from members criticizing certain provisions in the draft. A few made remarks that bordered on the vituperative. One such example follows:

... the document is written in a discriminatory way singling out the disadvantaged groups. This document is telling me how to plan the environment, that I have to protect and respect the diversity of social and individual expression, that I have to make my time available practically for the poor and other disadvantaged persons, etc., etc., etc. — what a bunch of garbage.

For the most part the criticisms were generally constructive and hopeful. Not surprisingly, a number of the comments were editorial in nature, e.g., "reduce verbiage," "increase clarity," "simplify the language." The document unfortunately reads like it is written by a committee, etc.

The section of the code that dealt with the planner's responsibility to the public drew the most reaction. Some were quite satisfied with this section, even with the abundance of provisions related to planning for "the needs of disadvantaged groups and persons," e.g., "I especially like the section on the planner's responsibility to the public;" "the emphasis on the responsibility of the planner to the public interest seems very appropriate;" "I support the thrust of the code to include some of the public interest and social responsibility obligations of planners."
But more who commented thought this section had some serious problems. Some were especially concerned about what they felt was an overemphasis on the disadvantaged. A sampling of comments about provisions in this section follows.

- "the section seems out of proportion and ill-fitted with the rest of the code. Many of the requirements here are vague and ill-defined and would not be enforceable as code standards as effectively as provisions of the other sections."

- "this section reads too much like a political platform."

- "it places an inappropriate and unnecessary emphasis upon social equity and minority concerns ... we agree that such concerns should occupy an important place in a code of professional conduct, but to impose an obvious imbalance to correct past sins appears to us to be hypocritical."

- "this proposed code hardly deals in the area of professional ethics ... it is no more than a philosophical statement regarding the assurance that a planner must first, last, and always be considerate of the oppressed."

- "...the phrase 'citizen participation in every part of the planning process' might be misconstrued by some to mean that there is no role whatever for the planner's expert knowledge and judgment."

- "...working to protect the integrity of diverse ecosystems' does not give the same attention to economic interests."

- "...conservation of the heritage of the built environment and excellence of environmental design' are not in the same category as 'respect for individual dignity' and 'concern for long-range consequences of actions. ... Perhaps the former are too narrow and political to be included here."

The net effect of these criticisms led the committee substantially to reduce the number of provisions dealing with the disadvantaged, to reduce the number of items listed as "abiding elements" of the public interest, and to change the meaning of certain provisions. One example was to drop the reference to the planner's commitment to "citizen participation in every part of the planning process." Shifting the locus to giving citizens the opportunity to have a "meaningful" impact on plans and programs.

Changes in other parts of the code also were made as a result of comments from APA Chapters and individual members on this draft. Most of these were editorial rather than substantive in nature. Few new provisions were added to the code, although a number of suggestions were offered. One addition that was made deserves special mention. It came about because one planning consultant reacted strongly to what he saw as the draft's failure to "recognize the pluralism in American society, the legitimacy of competing interests, and the need for many planners to make ethical choices on each assignment." He went on to say that "the present draft is irrelevant to me and to many other planners who try to serve a variety of public and private clients whose interests we determine to be legitimate." His criticism led the committee to add a full paragraph to the code's preamble which recognized that conflicts were inherent in societal values as well as among the code's principles, and urged planners to do a "conscientious balancing" when making ethical judgments.

Another major change in the code came about because the Board of the American Society of Consulting Planners (ASCP) objected strongly to some provisions in the draft relating specifically to the conduct of planning consultants. Although the draft included only three consultant practice provisions as compared with six in the old AIP code, some consultants still had problems. After representatives of the drafting committee met with representatives of ASCP, the committee decided to scale back the consultant "business practice" provisions to just one. The net effect of this compromise was that the ASCP subsequently prepared its own code on the conduct of planning consultants.

Once the die had been set in the early stages of the code preparation process by the several influences noted (i.e. reaction to deficiencies in the old AIP code, the NASW code as a model to emulate, and the fine hand of AICP's Executive Secretary) — and some changes were made to the code in the fall of 1980 as a result of member feedback to the third draft of the code — everything else was downhill. From the end of 1980 to September of 1981, when the code was officially adopted, virtually no further changes were made.

The AICP Code: Some After-Effects

The AICP code has had some moderate albeit interesting, effects on American planning since its adoption. There is no question that interest in planning ethics in American planning circles has escalated since 1981 when the code was adopted. More articles were published on planning ethics. A book of ethics readings was published under the title, Ethics in Planning (Wach, 1995). More sessions on planning ethics are being held at national, regional, and state planning conferences. And planning ethics has even become the subject of semester-long courses in a few graduate planning programs. The AICP code, because it promoted debate about ethics in the progression, probably had some distant effects on these matters. But the code also has had some direct spinoffs.

The AICP Ethics Committee, which was created to enforce the code and to take the lead in educating members about its principles, was a key player in some of these spinoffs. On the enforcement front, activity has stepped up moderately from the '70s when the AIP code was still in effect. At least ten charges alleging misconduct by an AICP member have been sent to AICP's Executive Secretary since the AICP code was adopted, and three of these reached the stage of being reviewed by the AICP ethics Committee.

The AICP code is also becoming more of a living document. In 1988, three advisory rulings, spearheaded by the Ethics Committee, were adopted by the AICP Commission. They dealt with sexual harassment, outside employment or moonlighting, and conflicts of interest when a public planner has a stake in private development. These advisory rulings are binding on all AICP members, and in effect become amendments to the code. In addition, at least three formal amendments to the code are currently
before the Commission for consideration.

With respect to educational efforts, the AICP Ethics Committee published "A Guide to Ethical Awareness in Planning" in December 1986, which was intended for use by planners to help provoke debate so that the skeletal framework of the Code of Ethics will be enriched by a shared understanding of the values and ideals which underlie the practice of planning." The nearly 200 page "Guide" contains over 40 scenarios depicting ethical dilemmas faced by planners. The scenarios are intended for use in training sessions. The "Guide" also discusses techniques of ethical analysis and includes an annotated bibliography of over 20 readings on planning ethics. The manual is being used increasingly by local planning groups and planning educators to heighten planners' awareness of job-related ethical issues and how the code applies to these issues.

Ethics has also become more integrated into planning conferences. At least 10 of APA's 45 chapters now regularly have sessions on planning ethics at its annual conferences. In addition, every annual national APA and Association of Collegiate Schools in Planning conference for the past several years also has had at least one or two sessions on the topic.

One other important spinoff of the AICP code was on APA's "Ethical Principles for Planning," adopted in 1987. Prepared by the AICP Ethics Committee, the APA code contains a number of provisions found in the AICP code, although the APA code still has its own distinctive character. An issue raised early in the process of drafting the AICP code was whether that code should apply to all members of APA who were planners, regardless of whether they were AICP members or not. As one supporter of this position put it, she saw "no reason for distinguishing between planners who are members of AICP and those who are not because the same ethical principles apply to both." However, neither the AICP Commission nor the APA Board was sanguine about having one code of ethics serve both organizations. Five years after AICP adopted its code, work began on developing a separate code for APA. In the brief period of the APA code's existence, several events have occurred. A few State APA chapters, Colorado being one of them, and some local planning commissions (e.g., Livingston County, Michigan Planning Commission) essentially adopted the APA code as their own code. The APA code even gained a measure of notoriety by first being criticized (Lucy, 1988) and then being defended (Barrett and Meck, 1989) in the pages of the Journal of the American Planning Association.

Perhaps the most significant long-term ripple effect the AICP code will have as a key legitimating instrument for giving ethics more prominence in planning, is reflected in the recent action of the Planning Accreditation Board (PAB). In May 1989, PAB, which sets criteria and procedures for accrediting master's degree planning programs in the United States, revised its policies so that ethics will now command a much more central place in the curricula of planning schools. A graduate planning program must now assure the PAB that its graduates will have had substantial exposure to basic subject areas under three components: knowledge, skills, and values. It is the values component that is most pertinent for ethics. That section begins with the following sentence: "the planning program shall provide students with the basis for becoming ethical practitioners, who are aware of, and responsible for, the way their activities affect and promote important values." The emphasis is clearly consistent with the aspirational tone of the AICP code which emphasizes actions planners should strive for to be more ethical practitioners.

Although the PAB does not expect graduate programs to offer a course in values or ethics, they are expected to discuss issues relating to these topics "within existing courses and in other non-course contexts." Among the issues listed are "the ethics of professional practice and behaviour" and some others similar to some of the "special obligations" in the AICP code that planners owe allegiance to, such as conservation of natural resources, citizen participation, social justice and equity.

While the AICP code clearly has had a direct effect on some things (e.g., the "Guide to Ethical Principles for Planning"), it cannot be shown conclusively that it has had an effect on other events mentioned above (e.g., the increase in planning ethics articles, the rise in the number of ethics sessions at planning conferences, the recently revised PAB guidelines elevating ethics to a much more important place in the curricula of planning schools). Nevertheless, in my judgment, there is a connection. The AICP code of ethics and professional conduct afforded greater legitimacy and stature to ethics in planning. If a new code had not been adopted by the AICP, the planning ethics spurt of the 1980s would resemble no more than a dribble.

Notes
1. After the AICP code was adopted in 1981 I became the custodian of the committee's materials—correspondence, drafts of codes, etc. I drew upon these materials for this paper in creating the story of how the code was developed.
2. The directive to the committee came in a February 13, 1979 letter from Israel Stolman, AICP's Executive Secretary.
3. Some of these provisions were not conceived su generis by Stolman. He likely adapted them to a planning code of ethics from his knowledge of other professional codes. The point, though, is that the combination of Stolman's expertise in the codes area and the pivotal role he played as drafter of versions of the code led to broadening the scope of issues covered in the AICP code.
4. Several of this draft's proposals concerning the disadvantages were similar to provisions in the mid-1970s AIP policy statement. "The Social Responsibility of the Planner.
5. From a letter written by Malcolm Rivkin, a planning consultant and Secretary Treasurer of the American Society of Consulting Planners Board, to Israel Stolman, September 9, 1980.
6. This provision prevented planners from soliciting prospective clients by using "false or misleading claims." 7. From 1980-1989, ten articles on planning ethics were published in the Journal of the American Planning Association and the Journal of Planning Education and Research. The two leading refereed American planning journals. In the 1970s, only three planning ethics articles were published in the refereed planning journals.
8. Martin Wachs at UCLA, myself, along with my colleague Elizabeth Howe at the University of Wisconsin-Madison, Timothy Beatty at the University of Virginia, and Sue Hendler at Queen's University in Canada are among...
the planning faculty who offered such courses in the 1980s.
9. Rosemary Jones, the AICP staff person to the AICP Ethics Committee, provided me with these and other facts about recent activities of this committee.
10. Carol Barrett, a member of the AICP Ethics Committee and former planning director of Annapolis, Maryland, was the person who prepared this training manual.
11. This effort was spearheaded by Stuart Meck, a member of both the AICP Commission and APA Board, who became chair of the AICP Ethics Committee in 1986.

References