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Ethical Dilemmas in Planning

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AICP American Institute of Certified Planners

Video Education
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Introduction

*Ethical Dilemmas in Planning* is a package consisting of a videotape and reading workbook that helps planners examine the fundamental issues, values, problems, and decisions of their daily work from the perspective of ethics. Why are ethics important to planners? Ethics are an unavoidable part of the practice of planning. The video is an hour-long panel discussion among experienced planners who grapple with a series of scenarios presented to them by the moderator, Jerome Kaufman. Drawn from the ranks of city planning departments, academia, and private practice, the panelists bring insight, humor, and a spirited sense of what constitutes an ethical dilemma to the discussion.

The accompanying workbook contains a collection of articles, the American Planning Association's "Statement of Ethical Principles for Planners," 1987, and the American Institute of Certified Planners's "Code of Ethics and Professional Conduct," 1981; revised 1992. The selected articles from the past 10 years define ethics from a variety of points of view. Much of the writing on ethics has been published in the past ten years, as planners have focused more and more attention on this challenging issue that goes to the heart of being a good planner.

Those interested in learning more about ethics can consult the Council of Planning Librarians *Ethics in Planning: An Annotated Bibliography* by Marta Escuín-Rubio and Jerome Kaufman, #290 (July 1993). Soon to be published is the revised AICP *A Guide to Ethical Awareness in Planning* by Carol Barrett. Both publications are or will be available through the APA Planners Press at the address listed below.

The video and workbook can be especially useful to planning educators for teaching purposes, as well as to agency, office, and organization training.

Viewing this video and reading the workbook qualifies AICP members for 2 Continuing Professional Development Program (CPDP) credits.

Video Education is one of the professional development programs provided to planners by the American Institute of Certified Planners. AICP is an institute of the American Planning Association.

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PANELISTS’ BIOGRAPHIES
In Order of Seating Arrangement from Left to Right

Ethical Dilemmas in Planning

Jerome L. Kaufman, AICP, Moderator and Program Developer. Jerome Kaufman is a Professor in the Department of Urban and Regional Planning at the University of Wisconsin-Madison and Immediate Past President of the Association of the Collegiate Schools of Planning. Previously, he served as the Associate Director of the American Society of Planning Officials. He is the author and co-author of numerous publications including "Ethics and Planning: Some Insights from the Outside," "Ethics and Professional Practice," "The Values of Contemporary Planners," and the CPL Bibliography on Ethics in Planning: An Annotated Bibliography.

Doris B. Holleb, AICP, Panelist. Professor in Social Sciences and Geographical Studies, Doris Holleb is the former Director of the Metropolitan Institute and Senior Research Associate at the Center for Urban Studies at the University of Chicago. She serves on the Chicago Plan Commission and as the former Secretary and Commissioner of the Northeastern Illinois Planning Commission. She has published widely on planning, economic development, education, and housing.

Dean Macris, AICP, Panelist. The former Director of the City of San Francisco Planning Department, Macris is now in private practice. Previously, he served as the Assistant Commissioner of Planning in Chicago, as the Director of Community Development and Director of Economic Development in San Francisco, and as the Associate Executive Director of the Association of Bay Area Governments.

Eugene Grigsby, Panelist. An Associate Professor at the Graduate School of Architecture and Urban Planning at the University of California-Los Angeles, Eugene Grigsby also serves as the Director of the Center for Afro-American Studies at UCLA. He has his own firm, The Planning Group, Inc., and has served on the boards of the American Governing Board of Colleges and Universities, the Planning Accreditation Board, and the Association of Collegiate Schools of Planning. He publishes in the areas of urban housing, land use, and economic development.

Kristina Ford, Panelist. Kristina Ford is the Executive Director of the Planning Commission of the City of New Orleans. Formerly, she was an Associate Professor in the Political Science Department of the University of Mississippi, an Assistant Research Professor at Rutgers University, and an Associate Professor at New York University. In 1992 she wrote the Strategic Plan for the MetroVision Latin American Task Force in New Orleans; in 1990 APA’s Planners Press published her book, Planning in Small Town America.
Sergio Rodriguez, AICP, Panelist. Director of the Planning, Zoning, and Building Department and Assistant City Manager for the City of Miami, Sergio Rodriguez previously worked as the chief planner and the urban design coordinator for the Maryland National Capital Park and Planning Commission. Presently, Rodriguez serves on the Board of Directors of the American Planning Association, the Planning Accreditation Board, and the APA Journal editorial advisory board.

Timothy Beatley, Panelist. Timothy Beatley is an Associate Professor and Chair in the School of Architecture at the University of Virginia. Among his teaching interests are environmental planning and policy, control management, biodiversity conservation, and environmental ethics. He has published widely on the subject of ethics including "Planners and Political Philosophy," "Environmental Ethics and Planning Theory," "Equity and Distributional Issues in Infrastructure Planning: A Theoretical Approach," and the forthcoming book, Land Use Ethics: Principles for Policy and Planning.

Shirley A. "Billie" Bramhall, Panelist. A Principal of Bramhall & Associates, Billie Bramhall is the former Deputy Director of Planning and Community Development in Denver. She has also worked as the Program Officer for The Pinton Foundation, and as the Deputy Director of Planning in Pittsburgh. Her areas of specialty include affordable housing development, commercial area revitalization, public sector planning and community development, and consensus-building.

Norman Krumholz, AICP, Panelist. A Professor in the College of Urban Affairs at Cleveland State University, Norman Krumholz is the former Director of the City of Cleveland Planning Commission. In 1987-88 he served as President of the American Planning Association and presently serves as a member of the Board of Directors. With John Forester he authored Making Equity Planning Work, and in 1990 received the APA Distinguished Leadership Award.

Charles Hoch, Panelist. Charles Hoch is an Associate Professor in the School of Urban Planning and Policy at the University of Illinois-Chicago. Among his publications are "Doing Good and Being Right: The Pragmatic Connection in Planning Theory" and the CPL Bibliography, Homelessness: An Annotated Bibliography with Ann Cibulski.

Jane A. Downing, AICP, Panelist. Planning Director for the City of Pittsburgh, Jane Downing also worked as the Director of Economic Development in Oakland, before assuming the position of Assistant Planning Director in Pittsburgh. She has served in leadership positions in over two dozen nonprofit organizations over the past 20 years, and served as a Peace Corps volunteer in Panama. In 1992 she was a faculty member for the AICP Planners Training Service workshop on "Leadership Development for Experienced Planners."
Sumner Sharpe, AICP, Panelist. Sumner Sharpe is a Senior Associate with Pacific Rim Resources in Portland, Oregon and specializes in planning, communications, management, and governmental and community relations. Formerly, he was a partner in Cogan, Sharpe, Cogan and a Professor of Urban Studies and Planning at Portland State University. He has served on many boards, including as President of the AICP Commission. Recipient of the APA Distinguished Leadership Award, Sharpe also served as a Peace Corps volunteer in Thailand.
Introduction to Selected Articles

The following articles were selected in consultation with Jerome Kaufman and present an overview of critical thought on the subject of ethics in planning. In addition, several seminal works were selected to provide an analytical foundation for how this thinking has developed. While planners have had professional codes of ethics for many years, it has been during the last 15 years, that the subject has stirred major interest and discussion within the field. As Escuin-Rubio and Kaufman point out, the last three years have witnessed a substantial outpouring of articles on the subject.

Ethics is by no means an easily defined subject and the authors, as well as the panelists in the video, disagree on the basic starting point for defining the meaning of ethical behavior. While some authors place the discussion within a philosophical context, others look to the personal values, political orientation, and approach to professional role for the context. Still others examine communication and cumulative effect of the overall professional practice as the starting point for serious discussion.

To assist the reader in understanding the larger framework in which these articles were written, she or he is referred to the CPL Bibliography Ethics in Planning: An Annotated Bibliography by Marta Escuin-Rubio and Jerome Kaufman. This excellent work provides a valuable overview of the topic, as well as insightful comments on the writing of contemporary planners.
This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community. Section A presents what we hold to be necessary elements in such a view.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants. Section B presents specific standards.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism. These are presented in Section C.

Section D is the translation of the principles above into the AICP Code of Ethics and Professional Conduct. The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles 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 entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

A. The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. recognize the rights of citizens to participate in planning decisions;

2. strive to give citizens [including those who lack formal organization or influence] full, clear and accurate information on planning issues and the opportu-

nity to have a meaningful role in the development of plans and programs;

3. strive to expand choice and opportunity for all persons, recognizing a spe-

cial responsibility to plan for the needs of disadvantaged groups and persons;

4. assist in the clarification of community goals, objectives, and policies in plan-

making;

5. ensure that reports, records, and any other non-confidential information which is or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;

6. strive to protect the integrity of the natural environment and the heritage of the built environment;

7. pay special attention to the interrelatedness of decisions and the long-range consequences of present actions.

B. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. exercise fair, honest and independent judgment in their roles as decision makers and advisors;

2. make public disclosure of all “personal interests” they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker [see also Advisory Ruling Number 2, “Conflicts of Interest When a Public Planner Has a Stake in Private Development” under Section D];

3. define “personal interest” broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;

4. abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record, their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;

5. seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant’s objectivity as an advisor or decision maker in the planning process;
6. not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;

7. serve as advocates only when the client's objectives are legal and consistent with the public interest;

8. not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;

9. not use confidential information acquired in the course of their duties to further a personal interest;

10. not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

11. not misrepresent facts or distort information for the purpose of achieving a desired outcome (see also Advisory Ruling Number 4: "Honesty in the Use of Information" under Section D);

12. not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;

13. respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations (see also Advisory Ruling Number 1: “Sexual Harassment”).

C. APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;

2. do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;

3. participate in continuing professional education;

4. contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;

5. accurately represent their qualifications to practice planning as well as their education and affiliations;

6. accurately represent the qualifications, views, and findings of colleagues;

7. treat fairly and comment responsibly on the professional views of colleagues and members of other professions;

8. share the results of experience and research which contribute to the body of planning knowledge;

9. examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;

10. contribute time and information to the development of students, interns, beginning practitioners and other colleagues;

11. strive to increase the opportunities for women and members of recognized minorities to become professional planners;

12. systematically and critically analyze ethical issues in the practice of planning. (See also Advisory Ruling Number 3: “Outside Employment or Moonlighting”).

Section D consists of the AICP Code of Ethics and Professional Conduct, Advisory Rulings, and Procedures.