Code of Professional Responsibility and Rules of Procedure

(This code is under study, with comprehensive revision in view, by a committee chaired by Lynn Vandegrift, AICP Commissioner).

Applicability to Members. Members of AICP shall be subject to the Code of Professional Responsibility. The code is divided into four parts: Canons, Rules of Discipline, Rules of Procedure for Disciplinary Cases and Opinion as to Conformity with Canons. The standards of professional conduct are expressed in general terms in the Canons, while the Rules of Discipline establish the minimum level of professional conduct. Any member whose professional conduct violates the Rules of Discipline shall be subject to expulsion, suspension or censure in accordance with the Rules of Procedure for Disciplinary Cases established.

Canons. The Canons are statements of axiomatic norms expressing in general terms the standards of professional conduct expected of planners.

(a) A planner primarily serves the public interest and shall accept or continue employment only when the planner can insure accommodation of the client's or employer's interest with the public interest.

(b) A planner shall seek to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons, and shall urge the alteration of policies, institutions and decisions which militate against such objectives.

(c) A planner shall exercise independent professional judgment on behalf of clients or employers and shall serve them in a competent manner.

(d) A planner shall preserve the secrets and confidences of a client or employer.

(e) A planner shall assist in maintaining the integrity and competence of the planning profession.

(f) A planner shall avoid even the appearance of improper professional conduct.

Rules of Discipline. The following Rules of Discipline express the minimum level of conduct below which no member may fall without being subject to disciplinary action. The severity of action taken against a member found blameworthy of violating a Rule of Discipline shall be determined by the character of the offense and the circumstances surrounding it.

(a) A planner shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

(b) A planner shall not give compensation in any form to a person or organization to recommend or secure employment or as a reward for having made a recommendation resulting in employment.

(c) Except with the consent of the client or employer after full disclosure, or except as required by law, court or administrative order or subpoena, a planner shall not reveal, use to personal advantage or to the advantage of a third person, information gained in the professional relationship or employment that the client or employer has requested be held in confidence or the disclosure of which would likely be detrimental to the client or employer.

(d) Except with the consent of the client after full disclosure, a planner shall not accept or continue employment if the exercise of the planner's professional judgment on behalf of the client or employer will be, or reasonably may be, adversely affected by the planner's own financial, business, property or personal interest, or the planner's relationship, with another client or employer.

(e) Except with the consent of the planner's client or employer, after full disclosure, a planner shall not accept compensation for planning services rendered the client or employer from one other than that client or employer.

(f) A planner shall not permit a person who recommends, employs, or pays him or her to render planning services for another to direct or regulate his or her professional judgment in rendering such services.

(g) A planner shall not accept employment to perform planning services which the planner is not competent to perform.

(h) A planner shall not neglect planning services which the planner has agreed to perform; nor shall the planner render services without research and preparation adequate in the circumstances.

(i) A planner shall not give, lend or promise anything of value to a public official in order to influence or attempt to influence the official's judgment or actions.

(j) A planner who holds public office or employment shall not use the public position to obtain or attempt to obtain a special advantage in legislative or administrative matters for a client, an employer, or the planner personally under circumstances where the planner knows or it is obvious that such action is not in the public interest.

(k) A planner who holds public office or employment shall not accept anything of value or the promise of anything valuable, including prospective employment, from any person when the planner knows, or it is obvious, that the offer is for the purpose of influencing the planner's action as a public official or employee.

(l) A planner shall not state or imply that he or she is able to influence improperly any public official, legislative or administrative body.

(m) A planner shall not participate in violations of the Rules of Reference to AICP membership.

(n) A planner shall not directly or indirectly discriminate against any person because of said person's race, color, creed, sex or national origin in any aspect of job recruitment, hiring, conditions or employment, training, advancement or termination of employment.

Rules of Procedure in Disciplinary Cases

(a) Any person may file a charge of misconduct against an AICP member by transmitting to the Executive Secretary a statement of the charge, including the facts upon which it is based, the precise Rules of Discipline allegedly violated and all relevant dates. The Executive Secretary shall transmit copies of the charge and the name of the party who filed the charge to the accused member and to the AICP Executive Committee.

(b) If the Executive Secretary determines that the charge may be meritorious the Executive Secretary shall diligently conduct an investigation which shall include an invitation to the accused member to respond to the charge and an opportunity for the person who filed the charge to reply to any new facts raised by the accused member in his response. The investigation shall not be restricted to the precise facts stated in the charge, but may include other related conduct as possible violations of the Rules of Discipline.

(c) The Executive Secretary shall transmit to the Executive Committee a summary report of the investigation and a recommendation as to whether the charge should be dismissed or a complaint issued.

(d) The Executive Committee shall review the Executive Secretary's summary report and recommendations and direct either dismissal of the charge, or the issuance of a complaint.
(e) Upon the direction of the Executive Committee, the Executive Secretary shall prepare a complaint and transmit copies thereof to the accused member ("the respondent") and the party who filed the charge against the member. Service upon the accused member shall be made by certified mail.

(f) Within thirty days from receipt of the complaint the respondent shall file an answer to the complaint. The answer shall follow the paragraphs of the complaint and each fact alleged shall be admitted or denied. If the fact is denied, the answer may contain an affirmative statement of the respondent's version thereof. If the respondent fails to timely answer the complaint, the facts asserted to the complaint shall be deemed admitted, absent a showing by the respondent that the failure to timely answer was caused by extenuating circumstances warranting an extension of time for the respondent's answer.

(g) If the answer denies any facts alleged in the complaint the Executive Committee shall have authority to designate one or more of its members to examine witnesses and take testimony. The ordinary rules of evidence shall not apply to such examination of witnesses and taking of testimony; however, the substantive rights of the respondent shall at all time be preserved. Upon request of either the Executive Committee or the respondent, the testimony shall be transcribed and a copy furnished the respondent at his or her expense.

(h) Following a hearing the Executive Committee member(s) who conducted the hearing shall issue findings of fact and transmit a copy thereof to the respondent.

(i) On the basis of findings of fact at the close of the hearing and/or on the basis of the facts admitted by the answer or failure to timely answer the complaint the Executive Committee shall issue and publish its opinion whether the facts complained of and proved or admitted violated the Rules of Discipline. The name of a member determined to be blameworthy shall be omitted from the opinion.

(j) If the Executive Committee decides to recommend that the respondent be expelled, suspended or censured, the Committee shall transmit its recommendations in writing to the Commission of AICP for its approval or disapproval. A copy of the recommendation shall be transmitted to the respondent.

(k) The imposition of disciplinary action against a member and the official publication by AICP of such action shall require the affirmative vote of a majority of the Commission.

(l) The Executive Secretary shall notify the respondent of any disciplinary action taken by the Commission.

Opinions as to Conformity with Canons.

(a) Any person may file with the Executive Secretary a request for an opinion on the propriety of professional conduct engaged in, or proposed to be engaged in, by a planner, provided that the conduct described appears to be the subject of a Canon and is not within the purview of a Rule of Discipline.

(b) The request shall state sufficient facts so that a definitive opinion may be rendered.

(c) If the Executive Secretary determines that the request is in conformity with (a) and (b) above, the Executive Secretary shall transmit the request to the members of the Institute Executive Committee.

(d) If the request identifies a specific planner whose conduct, or proposed conduct, is being questioned, the Executive Secretary shall notify the planner, unless the planner originated the request, transmit a copy of the request to the affected planner, and invite the planner to submit his/her own statement of facts for an opinion by the Executive Committee.

(e) The Executive Committee shall adopt all opinions by a majority vote. Dissenting Executive Committee members and Executive Committee members who voted with the majority or abstained may submit their own opinions, individually, or jointly with other Committee members.

(f) The names of actual persons and places shall not be mentioned or suggested in any opinion pursuant to (e) above, except upon request by the Executive Committee and the Commission of AICP and by an affirmative vote of a majority of the Commission.

(g) Each opinion shall be published by the Executive Secretary in an official publication of AICP or of APA. A copy of the opinion also shall be sent by the Executive Secretary to the requesting party and, if applicable, to a planner described in (d) above.

(h) The Executive Committee will not issue opinions on questions of law, or pertaining to conduct which is the subject of pending litigation.

(i) All facts contained in the request for an opinion, and in any opinion rendered, shall be deemed as hypothetical. The Executive Committee will not make findings as to disputed facts; nor will the Committee represent any facts in its opinions to be actual.

This Code was adopted by the American Institute of Planners and subsequently adopted by the American Institute of Certified Planners in October 1978.