



ETHICAL STANDARDS FOR THE PLANNING PROFESSION IN CANADA

Niagara Falls 2009

What did the Ethics Task Force look at?

- Extensive information and research on ethics from other professions
- member and Affiliate codes and practices relating to ethics
- Current CIP Statement of Values and Code of Professional Practice
- How the current Code is applied and administered?
- How the Statement of Values is communicated
- How are members educated in ethics?
- How is the Code applied to International members?

What did the Ethics Task Force do:

After the initial Task Force meeting in October 2007 and subsequent meetings and discussions the Task Force:

- identified needed improvements and changes
- prepared a series of recommendations for consideration
- prepared a draft Code of Ethics
- prepared a draft Code of Professional Conduct founded around three areas – public interest, clients and employers and the professional and other members (with inserted examples)
- prepared a draft set of guidelines for developing Codes of Administration to be used by each Affiliate

Summary of the Recommendations

-each Affiliate should formally adopt by By-law the Code of Ethics (outlined in Appendix A) as a national standard

-each Affiliate agree to meet the minimum standards for Codes of Professional Conduct (outlined in Appendix B)

-Affiliates review their regulations, policies and practices that support administration of their Codes of Ethics and Codes of Professional Conduct and compare them to the Guidelines for Code Administration as outlined in Appendix C

-educate and examine members through the certification process and continuous professional learning on their knowledge of the Code of Ethics and Code of Professional Conduct

-Affiliates should require members to indicate that they are in compliance with the Code of Ethics and Code of Professional Conduct and it is their intent to continue to remain in compliance upon renewal and when newly elected.

-Accreditation or Recognition process for Planning Schools shall have a requirement that Planning Schools expose and educate students on ethics

-public access a copy of the Code of Ethics and Code of Professional Conduct with information on how to file a complaint.

-sharing of information on memberships that have been subject to ethical behavioural issues

-members from other professional planning bodies (outside Canada) should be confirmed as members is in good standing

-dropping the International Member category and arrange for the transfer of existing international members to Affiliates

Code of Ethics

Ethical planning professionals should be governed by two basic concepts:

1. They must be competent. This means:

- they must know the competencies for their area of practice, and
- they must be able to successfully apply the competencies.

2. They must have integrity. This means:

- they must have a keen sense of responsibility to their profession and employers and the public, and
- they must retain a sense of independence that will enable them to exercise their professional judgment independently and without bias.

Code of Ethics

In order to comply with these two basic concepts, members of the profession shall:

1. Practice sustainable planning that considers the use of society's resources and the needs of future generations.
2. Value both the natural and human environments and understand their interrelationships.
3. Acknowledge that planning decisions can have effects that cross jurisdictional boundaries.
4. Balance the interests of communities with the interests of individuals.
5. Offer objective and informed planning advice.
6. Strive to continuously improve their knowledge of applicable planning theory and practice.
7. Foster meaningful public participation by all segments of society.

Minimum Standards for Codes of Professional Conduct

[Examples of possible non-compliance are provided in italics for information]

1.0 The Planner's Responsibility to the Public Interest

Members shall:

- 1.1 **practice in a manner that respects the diversity, needs, values and aspirations of the public and encourages discussion on these matters;** *[A Member unreasonably dismisses ethnic and/or religious based concerns.]*
- 1.2 **provide full, clear and accurate information on planning matters to decision-makers and members of the public, while recognizing the employer or client's right to confidentiality and the importance of timely reporting;** *[A Member releases confidential information, when they have been specifically requested by a client, employer or another planner not to do so.]*
- 1.3 **acknowledge the inter-related nature of planning decisions and the consequences for natural and human environments;** *[A Member recommends the elimination of an engineering requirement which they know is required to protect public safety.]* and,
- 1.4 **provide opportunities for meaningful participation and education in the planning process to all interested parties.** *[A Member conducts a public hearing process without the required notice(s) or without indicating to a member of the public that their speaking time will be limited.]*

2.0 The Planner's Responsibility to Clients and Employers

Members shall:

- 2.1 **provide independent professional opinion to clients, employers, the public, and tribunals; perform work only within their areas of professional competence;** *[A Member provides advice in an area of planning or another discipline where they do not have appropriate training and experience. An example is a Member who does not have professional competence in transportation planning and prepares a report with recommendations in this area.]*
- 2.2 **undertake planning services with diligence and render services with appropriate preparation;** *[A Member does not take the time and care needed to provide appropriate professional advice and presents a major report which has not been well researched and is poorly written and presented without a factual basis.]*
- 2.3 **acknowledge the values held by the client or employer in work performed, unless such values conflict with other aspects of this Code;** *[A Member ignores the client or employer's standards or needs in the work being done and does not adhere to the agreed-upon Terms of Reference for a project.]*
- 2.4 **respect the client or employer right to confidentiality of information gathered through a professional relationship, unless such right conflicts with other aspects of this Code;** *[A Member releases information that is confidential. This right of confidentiality does not extend to, for example, a situation where the Member is required to testify before a tribunal of the Member's Affiliate Institute where a complaint has been made against the Member by the client or employer.]*

- 2.5 **inform the client or employer in the event of a conflict between the values or actions of the client or employer and those of this Code in a timely manner;** *[A Member who does not immediately notify the client or employer that something they want the Member to do is in conflict with the Member's responsibilities under the Code. An example is a client asking a Member to share with them confidential information that the Member has collected in the course of conducting an assignment for another client.]*
- 2.6 **ensure timely and full disclosure to a client or employer of a possible conflict of interest arising from the Member's private or professional activities;** *[A Member who does not immediately let the client or employer know of a situation where the Member believes they cannot continue to offer independent professional advice. An example is a Member employed as a consultant on the side providing professional planning advice in a municipality where the Member is employed full-time as a professional planner.]*
- 2.7 **not offer or accept any financial or other inducements, including prospective employment, that could, or appear to, influence or affect professional opportunities or planning advice;** *[A Member asks for or receives a financial or other benefit, including a job, in exchange for providing professional advice that is not independent and objective. An example is a Member providing biased conclusions, at the request of a client, in a report that will be received by a public regulatory body in exchange for gaining further work from the client.]*
- 2.8 **not, as an employee of a public agency, give professional planning advice for compensation to a private client or employer within the jurisdiction of the public agency without disclosure to the agency and written consent;** *[A Member accepts a bonus payment based on a planning approval achieved] and,*

2.9 **not, as a consultant to a public agency during the period of contract with the agency, give professional planning advice for compensation to others within the jurisdiction of the agency without disclosure to the agency and written consent in situations where there is the possibility of a conflict of interest arising.** *[A Member acts as a consultant providing professional planning advice to a developer on a project in a municipality at the same time as the Member is providing professional planning advice to the municipality on matters that may affect the developer's project.]*

3.0 The Planner's Responsibility to the Profession and Other Members

Members shall:

- 3.1 Maintain an appropriate awareness of contemporary planning philosophy, planning theory and practice by obtaining professional education throughout their planning career, including complying with the Institute's continuing professional learning requirements; [A Member ignores the Affiliate requirements for continuous professional learning]**
- 3.2 not in professional practice, extra-professional activities or private life, engage in dishonourable or questionable conduct that may cast doubt on the their professional competence or integrity or that may reflect adversely on the integrity of the profession; [A Member at a conference spends all of the program time outside of the conference in a disorderly and disruptive manner.]**
- 3.3 ensure that advertising or promotional activities fairly and accurately communicate the expertise and skills offered, including professional qualifications and affiliations, education and experience; [A Member provides false or misleading information on a cv or corporate brochure]**
- 3.4 act toward other Members and colleagues in a spirit of fairness and consideration and not falsely or maliciously injure the professional reputation, prospects or practice of another Member or other colleagues; [A public sector Member, when asked to recommend a good planner for employment purposes by the public or developer, continuously gives a specific reference rather than referring to an approved list or the Affiliate's Directory of Planning Consultants]**
- 3.5 respect colleagues in their professional capacity and when evaluating the work of another Member, show objectivity and fairness and avoid ill-considered or uninformed criticism of the competence, conduct or advice of the Member; [A Member makes derogatory comments at a Public Hearing on a planning matter about the work performed by another Member.]**

- 3.6** *not attempt to supplant another Member once made aware that definite steps have been taken toward the other's employment; [A Member offers a discount or other incentive to lure a client's business when that client is in the process of securing a contract with another planner.]*
- 3.7** *only sign or seal a final drawing, specification, plan, report or other document actually prepared or checked by the Member; [A Member seals a final site plan, prepared by a friend, who is a non-member, without checking the plan and thoroughly understanding the project.]*
- 3.8** *report to the Institute the behaviour of any Member believed to be in breach of this Code in a timely manner; [In spite of extensive media coverage and personal knowledge, a Member does not report that a fellow CIP member has vociferously criticized a planning scheme proposed by the firm of another Member.]*
- 3.9** *only make public statements on behalf of the Institute if authorized to do so [In the media a Member states that members of the Canadian Institute of Planners are opposed to the demolition of a local heritage building when no such statement has been made];*
- 3.10** *comply with any reasonable request of the Institute for information or for the co-operation of the Member in pursuit of any Institute objective; [A Member refuses to co-operate in an investigation by the Member's Affiliate Institute of alleged professional conduct by either the Member] and,*
- 3.11** *respect the process and decision of any discipline proceeding affecting a Member. [The Member, who is the subject of a disciplinary matter, makes light of the procedure and does not prepare for and participate in the procedure in a professional manner.]*

Discipline

Affiliates shall establish by By-law policies and practices necessary to administer their Codes of Professional Conduct to ensure the proper handling of complaints, investigations, disciplinary reviews, sanctions, and appeals, and to reduce risk and liability. Such information shall reflect legal requirements and best practices used by professional associations.

Guidelines for Code Administration

- Definitions
- Lodging Complaints
- Reviewing the Complaint
- Appeal of the Reviewer's Decision
- Discipline Committee
- Sanctions
- Appeal of the Discipline Committee Decision
- Resignation and Termination