



ETHICS AND EQUITY



ETHICS MATTER

- Codes of Ethics
 - Define professions
 - Embody values
 - Guide decisions
 - Set expectations
 - Provide understanding

National level response from each organization

EQUITY

An abstract graphic on the right side of the slide. It features a solid red background with a large, curved, semi-transparent red shape that overlaps the bottom right corner. A thin, curved green shape is visible at the top right edge, partially overlapping the red background.



NAME THAT CODE

_____ shall avoid exaggeration, misrepresentation and concealment of pertinent facts.

- _____ are members of a learned profession.
- _____ shall not accept the applicability of a customary solution.



NAME THAT CODE


- _____ shall not deliberately or with reckless indifference fail to provide adequate, timely, clear and accurate information.
- _____ shall cooperate with other _____ except when cooperation isn't in the client's best interest.
- _____ should be competent, prompt and diligent.

ATTORNEYS


- Supreme Court Rules of Professional Practice
- Rules of Professional Conduct
- Preamble
 - Lawyer's Responsibilities
 - Representative of clients
 - Advisor
 - Advocate
 - Negotiator
 - Evaluator
 - Neutral third party
 - Officer of the legal system
 - Citizen having special responsibility



ATTORNEYS



A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance and therefore, all lawyers should devote professional time and resources and use civic influence in their behalf to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.



A lawyer should aid the legal profession in pursuing these objectives and should help the Bar regulate itself in the public interest.



A decorative graphic in the bottom-left corner of the slide, featuring flowing, overlapping shapes in shades of red and blue.

EQUITY COMMITMENT

- Diversity and Inclusion Center
- The Center promotes collaboration, coordination, and communication to advance ABA Goal III – to eliminate bias and enhance diversity and inclusion throughout the Association, legal profession, and justice system.



DIVERSITY AND INCLUSION CENTER

- Diversity and Inclusion Advisory Council
- Coalition on Racial and Ethnic Justice
- Commission on Disability Rights
- Commission on Hispanic Legal Rights and Responsibilities
- Commission on Racial and Ethnic Diversity in the Profession
- Commission on Sexual Orientation and Gender Identity
- Council for Diversity in the Educational Pipeline
- Commission on Women in the Profession

- AICP Code of Ethics and Professional Conduct
- Aspirational Principles and Rules of Conduct
- Primary obligation: Serve the public

PLANNERS

PLANNERS

- Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. Retrieved from APA website, 10/9/21.

EQUITY COMMITMENT

Equity, Diversity
and Inclusion
Committee

Voices of Equity
video series

Planning for
Equity Policy
Guide

Equitable
economic
development

Equity training
requirements for
AICP planners

Social equity
knowledge base
collection

Online public
engagement
toolkit

Diversity
scholarships

Ensuring fairness
in the AICP
exam

REALTORS

- Ethics
 - Professional Courtesies, Code of Ethics and Standards of Practice
 - Primary obligation is to the client
 - Addresses duties to client, public and other realtors
 - Do not discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. Retrieved from National Association of Realtors website, 10/13/21
 - Don't engage in unauthorized practice of law

REALTORS

- When representing a buyer, seller, landlord, tenant, or other client as an agent, REALTORS® pledge themselves to protect and promote the interests of their client. Retrieved from National Association of Realtors website 10/13/21

EQUITY COMMITMENT

Diversity and inclusivity are one of five core organization values

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graph TD; A[Diversity and inclusivity are one of five core organization values] --> B[Diversity, equity and inclusion resources]; B --> C[Diversity Initiative Grants]; C --> D[Self study modules];
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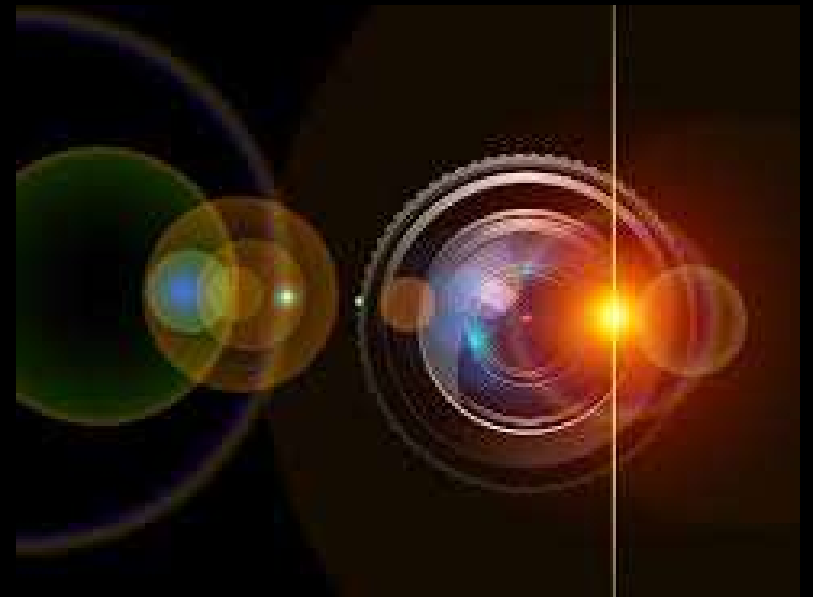
Diversity, equity and inclusion resources

Diversity Initiative Grants

Self study modules

EQUITY LENS

- CONSCIOUS CHANGE IN HOW WE VIEW OUR ACTIONS AND DECISIONS
- PROACTIVE APPROACH TO HOW WE DO BUSINESS AND THINK
- EXAMINATION OF UNINTENDED CONSEQUENCES

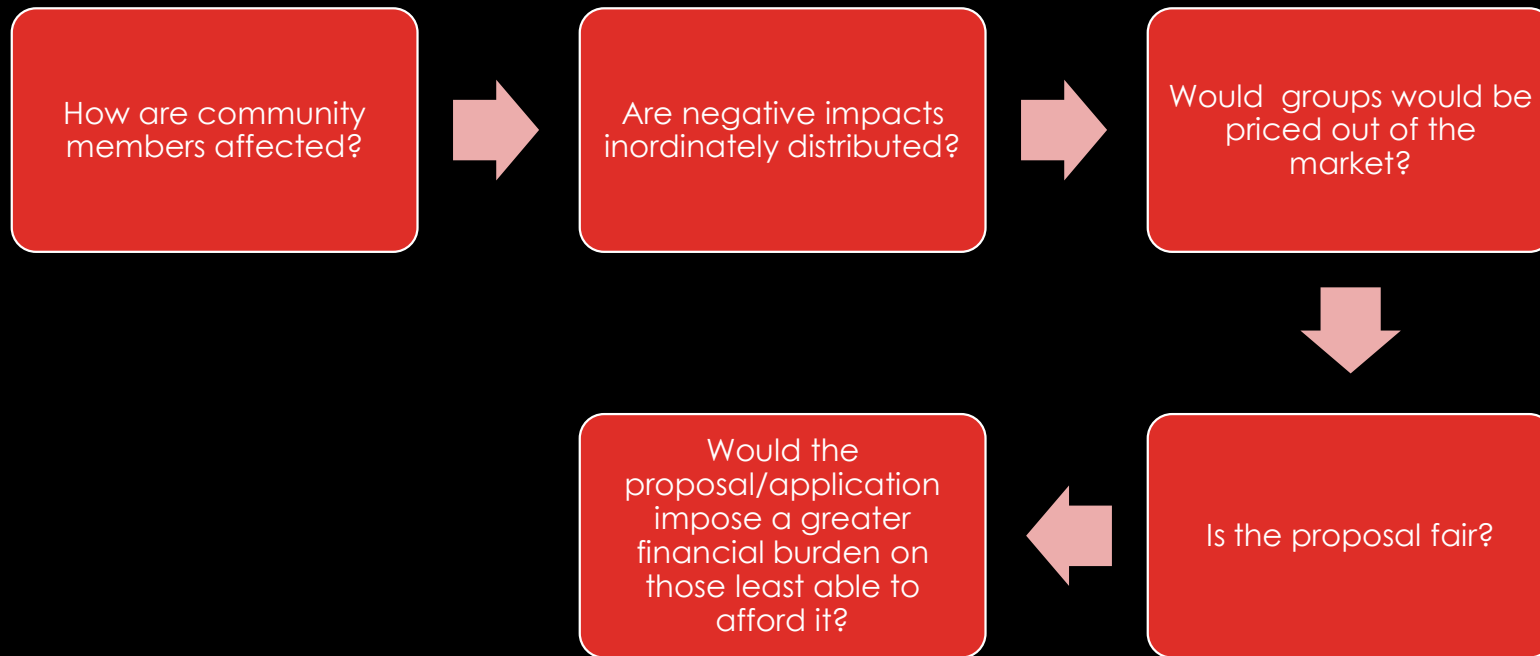


GUIDELINES FOR APPLYING AN EQUITY LENS

- Who is affected?
- What are the demographics?
- Are there areas of Environmental Justice populations, defined by EPA as those who are vulnerable, low-income, minority, tribal and indigenous communities who are already overburdened ?
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GUIDELINES FOR APPLYING AN EQUITY LENS



GUIDELINES FOR APPLYING EQUITY LENS

- Having determined who is affected and how, what adjustments can be made to result in an equitable solution?




SCENARIO ONE: GROCERY STORE MARKET ANALYSIS

- **The Setting**
- As a planning consultant you are hired to analyze potential for a grocery store in a low-income community
- Client says build a case for the grocery store
- As a land use attorney, you are hired to shepherd the zoning change from convenience commercial to neighborhood commercial
- As a realtor, you represent the current owner of the property

Source: Everyday Ethics for Practicing Planners, Carol D. Barrett, FAICP 2001



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- Existing small liquor/convenience store
 - Possible federal grant for shopping center with grocery store
 - Client (planning director) says build a case for the grocery store

ACTION ALTERNATIVES



CONDUCT ANALYSIS
AND LET THE CHIPS
FALL



PRESENT PROJECTIONS
BASED ON VARIOUS
ASSUMPTIONS



CONCUR WITH
PLANNING DIRECTOR
AND ADJUST NUMBERS



RESIGN FROM THE
PROJECT



OTHER



ETHICAL POINTS OF VIEW

- Planning Consultant
- Planning Director
- Attorney
- Realtor

CODE CITATIONS

A1d. Provide full, clear and accurate information

A1f. Expand choice and opportunity

A2a. Exercise independent professional judgement

A2b. Accept the decisions of a client

SCENARIO TWO: THERE GOES THE FAMILY FARM

Code of
Ethics Pop
Quiz



SCENARIO TWO: SELLING THE FAMILY FARM

- A friend asks for help selling his family farm, stating he would like to work with someone he knows. You have never sold a property like this before, but you want to be there for your friend. Do you:
 - a.) Proceed with helping him sell the farm, researching best practices along the way.
 - b.) State that you don't have the knowledge to help him sell that kind of property, but you will connect him with someone else who is experienced in that area.
 - c.) Tell your friend you can help, but that you need to bring in another REALTOR® who has more experience with these types of properties.





NAR CODE OF ETHICS

- What does the National Association of REALTORS® Code of Ethics say?
- Article 11 states that REALTORS® shall not take on a listing that is outside their realm of understanding. You can take on listings outside of your scope only if you employ the help of someone more knowledgeable about the listing in question:
- “REALTORS® shall not undertake to provide specialized professional services concerning a type of property or service that is outside their field of competence unless they engage the assistance of one who is competent on such types of property or service, or unless the facts are fully disclosed to the client. Any persons engaged to provide such assistance shall be so identified to the client and their contribution to the assignment should be set forth.”
- Article 1 of the Code of Ethics also states that REALTORS® must act in the best interest of their clients and treat all other parties honestly. In this case, it is in the best interest of your client, and friend, to help them find an expert in this area. It is also important to inform any other party you bring on or decide to work with of your relationship with the client so they fully understand the situation before they agree to help:
- “When representing a buyer, seller, landlord, tenant, or other client as an agent, REALTORS® pledge themselves to protect and promote the interests of their client. This obligation to the client is primary, but it does not relieve REALTORS® of their obligation to treat all parties honestly. When serving a buyer, seller, landlord, tenant or other party in a non-agency capacity, REALTORS® remain obligated to treat all parties honestly.”



ATTORNEYS

- You represent the applicants for a 175-acre mixed use project. It's the most complex project to ever come before the Smallville Planning Commission and you are concerned that Smallville staff won't be able to adequately explain it to the Planning Commissioners. How do you best represent your client?
- The project includes both vacant and occupied land. The occupied project area is 15% of the total project and is part of an historically black community that includes residential and small retail uses. The underlying property owner is one of the applicants.
- Smallville has recently adopted an Equity Policy that includes the use of an equity lens based on the guidelines in this presentation. How do you address the equity issues?

An abstract graphic on the left side of the slide, featuring a vibrant red background with a green, curved, translucent shape that resembles a stylized leaf or a modern architectural element. The green shape has a slight gradient and a shadow, giving it a three-dimensional appearance.

QUESTIONS?