Ethics in Leadership Development for the Planner

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Friday, November 4, 2016
7:30 AM to 4:30 PM
Location to be Announced

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Program begins promptly at 8:00 AM

The Tenth Annual Ethics Seminar
"LOOKING FORWARD AND LOOKING BACK"

KEYNOTE SPEAKER
JULIE A. TAPPENDORF, ESQ.
Chicago, Illinois

"THE EFFECTS OF APPS, SOCIAL MEDIA AND NEW TECHNOLOGY ON PUBLIC ETHICS" (WORKING TITLE)

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The Stages of Moral Development
A Decade of Public Ethics in the News
"Corruption County"—Lessons Learned
Repealing Florida's "Corruption Tax"
Public Ethics in Florida—What's Behind and What May Lie Ahead?

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Seth C. Behn, Esq., AICP, Lewis Longman & Walker, P.A., West Palm Beach
Peter A. Bockweg, Government Affairs Consultant, Miami
Frank A. Breslow, Esq., CEP, Director, Department of Neighborhood Services, Bonita Springs
Hon. Danielle Levine Cava, Commissioner, Miami-Dade County, Miami
Dan Christensen, Founder and Editor, Florida Bulldog, Fort Lauderdale
Susan M. Coughanour, AICP, Board Member, Treasure Coast Section, Florida Chapter, American Planning Association, Lake Worth
Rob Davis, Code for Fort Lauderdale, a Code for America Brigade
Samuel S. Goren, Esq., Shareholder, Goren, Chernof, Doody & Ezrol, P.A., and General Counsel, Broward League of Cities, Fort Lauderdale
Michael H. Kahn, Esq., Michael Kahn, P.A., Melbourne
Marvin Mammazo, AICP, Professional Development Officer, Broward Section, FL APA, Fort Lauderdale
Mary McCarty, Principal, McCarty Consulting LLC, Palm Beach County Commissioner, 1990-2000, Delray Beach
Hon. Kathleen Fernandez-Rundle, Esq., State Attorney, Miami-Dade County, Miami
Frank S. Paken, Esq., AICP, Partner, Caldwell Pacek Edwards Schoeck & Vittor LLP, West Palm Beach
Matt Reed, Opinions Editor and Columnist, Florida Today, Melbourne
Frank Scheldman, Esq., John M. DeGrove Eminent Scholar Chair, School of Urban and Regional Planning, Florida Atlantic University, Boca Raton
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Richard Staus, Executive Director, Florida City Community Redevelopment Agency
Nancy E. Stroud, Esq., AICP, Of Counsel, Lewis Stroud & Deutsch, P.L., Boca Raton

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Presenters
Susan L. Trevarthen, Esq., FAICP

- Recently joined the Board of Directors of 1000 Friends of Florida
- Member of the law firm of Weiss Serota Helfman Cole & Bierman, P.L.
- Chairs the Municipal Land Use and Zoning Law practice.
- Acts as Town Attorney for a Broward County coastal community.
- Practice also includes constitutional law issues (such as takings, Harris Act, and First Amendment), and public school facilities.
- Board certified in City, County and Local Government Law by the Florida Bar and AV rated.
Brian D. Teeple, AICP

- Chief Executive Officer for the Northeast Florida Regional Council since 1989, and Deputy Director from 1986-89
- Previously with Florida Department of Community Affairs and Metropolitan Washington Council of Governments
- Master of Science in Planning from Florida State University
- Bachelor of Science in Environmental Resource Management from Pennsylvania State University
- Post-graduate studies at George Washington University
- 2005 recipient of Focus Award presented by Northeast Chapter of the Florida Planning and Zoning Association
- 2007 recipient of Distinguished Service Award from First Coast Section of APA Florida
- 2008 recipient of Award for Outstanding Contribution to the Planning Profession from American Planning Association, Florida
Ethics in Leadership Development for the Planner

Susan L. Trevarthen, Esq., FAICP
Brian D. Teeple, AICP
Outline

- Introduction
- Ethics 101/Planning Ethics
- Rules of Conduct Examples
- Ethics 101/Florida’s Ethics Laws
- What Would You Do?
- Ethics in Leadership/Leadership in Ethics
- Ethical Traps
- Open Mic
Opening Thoughts

*Ethics are what you do when no one is looking.*
George Bernard Shaw

*Always do right. This will gratify some people and astonish the rest.*
Mark Twain

*To be persuasive, we must be believable; to be believable, we must be credible; to be credible, we must be truthful.*
Edward R. Murrow
Introduction

- Why Should we Talk About Ethics?
- Leadership and Ethics: The Nexus
- Brief Overview of the AICP Code of Ethics and Professional Conduct
  - Principles to Which We Aspire –primary obligation is to serve the public interest
  - Our Rules of Conduct
Ethics 101/Planning Ethics

 Attributes of planning that affect ethics
  • Orientation to long term implications
  • Requirement to balance interests
  • More art than science
  • Working with other professions with other ethical rules
  • Mostly public servants
  • Political influence
Ethics 101/Planning Ethics

- Ethical Principles applicable to all planners:
  - Must continuously pursue and faithfully serve the public interest
  - Continuous improvement in competence
  - Development of peers and aspiring planners
  - Maintain public respect for planning process with high standards of integrity and proficiency
Ethics 101/Planning Ethics

- AICP Code – applicable to AICP planners:
  - Aspirational Principle - Responsibility to Public
    - Serve public interest as informed by open debate with concern for rights of others and special attention to long range implications and interrelatedness
    - Timely, clear and accurate information
    - Meaningful participation
    - Advance social justice
    - Promote design excellence
    - Conserve the natural and built environment
    - Engage in fair dealing with all involved in planning process
Ethics 101/Planning Ethics

- AICP Code – applicable to AICP planners:
  - Aspirational Principle - Responsibility to Client
    - Diligent creative and competent performance of duties consistent with public interest
    - Use of independent professional judgment
    - Accept client direction unless illegal or against the public interest
    - Avoid actual or apparent conflicts of interest
AICP Code – applicable to AICP planners:

- Aspirational Principle - Responsibility to Profession
  - Contribute to development of and respect for profession
  - Improve knowledge, techniques, relevance, public understanding
  - Protect and enhance integrity of profession
  - Educate public
  - Act fair and professional with other professionals
  - Share excellence and research
  - Appropriate use of skills – no overreliance on forms or boilerplate
  - Support professional development of others
  - Increase opportunity for underrepresented to become planners
  - Analyze ethical issues
  - Contribute to those lacking planning resources
Ethics 101/Planning Ethics

- AICP Code – applicable to AICP planners:
  - Rules – Can be enforced with penalties
  - Themes:
    - Avoid conduct that is essentially illegal, untruthful, unprofessional
    - Avoid conduct that hinders public confidence in or the enforcement of the AICP Code
    - Avoid conduct that reflects adversely on professional fitness
Rules of Conduct Examples

# 15 We should not accept work beyond our professional competence unless the client or employer understands and agrees that such work will be performed by another professional competent to perform the work and acceptable to the client or employer.
Rules of Conduct Examples

# 26 You’re an AICP Certified planner and fail to file and pay your Federal Income Taxes. You are prosecuted and plead nolo contendere, what do you do?
Rules of Conduct Examples

#18

- You really need your consulting economist to develop an economic/fiscal analysis that qualifies your client’s project for local and state incentives. What do you do?
- The analysis comes back and you determine that the “books have been cooked”. What do you do? And the answer that this is outside my professional competence doesn’t count!
Ethics 101/Florida’s Ethics Laws

- Importance to Public and Private Sector Planners
- Themes
  - Avoid conflicts between public duty and private interest
  - Timely disclose all potential reasons why your ability to perform public duty may be compromised
  - Train and get advice to avoid problems
  - Respond to enforcement by the Ethics Commission – potentially serious penalties
  - Sometimes county and local level additional or stricter laws
Ethics 101/Florida’s Ethics Laws

- **Prohibits:**
  - Nepotism
  - Gifts seeking to influence you in your public duty
  - Misuse of public position
  - Doing business with your agency
  - Having conflicting employment

- **Regulates:**
  - Lobbying former employer
  - Gifts
What Would You Do?

- Your Planning Director (not AICP) routinely tells you (AICP) and other staff planners to change your recommendations of denial for land use changes to recommendations for approval.
What Would You Do?

- A County Administrator, in lobbying your RPC for favorable consideration of changes for a MAJOR DRI, notably to drop on-site affordable housing requirements, suggests the developer would agree to a modest per unit payment to the County in lieu of the DRI condition. He then suggests that the County will in turn give the proceeds to the RPC for affordable housing purposes in order to help with its current budget issues.
What Would You Do?

- A former member of your Board who resigns as a County Commissioner to run for a seat in the Legislature, during a special election, invites you to their Victory Party on election night.
What Would You Do?

- You are an AICP planner in public employment and you want to run for the School Board.
Ethics in Leadership

Leadership in Ethics

- Be open, honest and transparent
- Recognize the complexity involved
- Make ethics a way of business
- Keep and maintain trust
- Ethics is more than following the rules
- Maintain universal ethical expectations
- Promote and celebrate ethical choices
- Acknowledge ethics as an on-going journey, not a training program
- Set the bar
Ethics in Leadership/Leadership in Ethics

- Leadership in Ethics
  - Seize opportunities to be an example
  - Interject ethics into the conversation
  - Recognize teachable moments
  - Promote/seek out ethics training
  - Don’t leave your ethics at the door
  - Aspire to do better
  - Challenge conventional wisdom
  - Seek out the disenfranchised
Types of Leaders

- Charismatic doers who get results
- Those who lead from the front
- Those who lead from the rear
- Those who lead by example
- Those who lead in absentia
The Ethical Executive
By Paul Hersey

What factors are associated with lapses in ethical behavior, based on history and psychological research?
When should your awareness of potential ethical problems be enhanced?

- Ethical Traps
- Ethical Defense Mechanisms
- Personality Traps
Ethical Traps

- Obedience to Authority – Nazi Germany; Experiments re administering shocks to test subjects
- Small Steps – Frog in pot of water on a stove
- Sidestepping Authority by:
  - Indirect Responsibility – Small Action, Small Cog in the Machine
  - Faceless Victims – Anonymity – Ford Pinto fuel tank flaw ($11 to fix) allowed to persist, based on cost-benefit analysis
  - Lost in the Group – Decisions by committee; averaging of choices
- Competition – zero sum views of problems; unwillingness to consider win-wins; pitting team members against each other for bonuses or for ability to retain job; one-upmanship
- Self interest – failing to see interrelationships between common welfare and individual welfare
- Tyranny of goals – ends justify the means; looking at external goals as means to happiness
Ethical Traps

- Money – belief that it leads to happiness, despite studies showing only a weak relationship
- Conflicts of interest – public interest vs private benefits; team vs individual
- Conflicts of loyalty – management vs peers; organization vs public; inside information from friends and relatives
- Conformity and peer pressure – sarcasm, evaluations, salary decisions and access to advancement used to enforce
- Don’t make waves – avoiding controversy and disruption; stigmatizing critical thinking
- Self-enhancement – seeing your own actions as inherently moral, creating blind spots; aversion to accepting condemnation
- Time pressure – acting thoughtfully and with ethical integrity takes time and perspective – temptation to take shortcuts when overwhelmed
Ethical Traps

- Decision frameworks or filters/rules/scripts – Assessing new events through prisms developed under old conditions; may miss implications of events that are out of context or disruptive, which is often true of ethical dilemmas
- Enacting a role – the leader, the cost-cutter, the enforcer – executives control costs and enhance profits, prison guards beat prisoners
- Power – more likely to direct subordinates; more likely to take credit for what they do; more likely to see employee capabilities as due to your leadership; more likely to devalue subordinates; creating emotional distance and lack of empathy. Then it becomes easier to enforce unrealistic expectations, which in turn lead subordinates to be tempted to short cuts to comply.
- Justification or rationalization – Crusades, genocides serving God, serving ideology, serving self-interest or conflicting loyalty (impact on family if I get fired)
- Obligation – have to do what I committed to do, even if I am uneasy about the ethics
Ethical Defense Mechanisms

- Annihilation of guilt/pain from not doing the ethical thing
  - Anger/Hostility – squelches empathy and guilt, makes it easier to make the wrong choice and silence a critic. Often a cover for anxiety, shame and helplessness
  - Going numb – emotional pain can be overwhelming and people shut down so they can move forward
  - Alcohol/substances to deaden guilt and pain
  - Desensitization – after we do the wrong thing, each time it gets easier
Ethical Defense Mechanisms

- **Minimizing**
  - Language that reduces impact – not a big deal, just once, only a little over the line, only kind of wrong
  - Renaming – sanitizing the language: is it lying or marketing? Collateral damage vs killing civilians
  - Advantageous comparison – others did worse things
  - Zooming out – a small thing in the whole context of the situation
  - Everybody does it – employee theft, justify with a false consensus assuming that the behavior is widespread
  - Won’t get caught – more tempted if low risk of getting caught
  - Not that big an impact – the bigger the impact, the greater the temptation to minimize it to avoid emotional pain
  - Coworker reactions – if they think it is ok, it must be ok
Ethical Defense Mechanisms

- **Minimizing**
  - Self-serving bias – it was wrong, but not my fault; tend to take credit for success and externalize failure to preserve self-image, blame the victim, blame the system
  - Addiction to the fruits of the unethical behavior. Confronting the ethical issue has consequences – loss of status, loss of profit or income, etc. Long term benefit of morality pales in comparison to short term pain of facing compliance
  - Established impressions – first impressions persist, even if false and contradicted by evidence. Personality disorders – think of the “golden boy” who gives a great superficial impression, but lies, misrepresents, steals credit. Peers recognize his true nature but superiors may be blinded by the first impression
Ethical Defense Mechanisms

- Minimizing
  - Contempt for the victim – dehumanization of the “other”, considering members of the public or consumers to be ignorant, nuisances, sheep, makes it easier to take advantage of them. Racism, sexism. Desire to justify that they deserve the harm they receive from the unethical conduct.
  - Doing is believing – once you choose to act unethically, you begin to think of it as not that bad, to protect your positive self-image
Personality Traps

- Psychopath – fairly rare; Antisocial Personality Disorder; Problems with Impulse control and hostility associated with criminality – implications for self-monitoring and for hiring/management

- Poverty and Neglect – leading to strong desire for monetary gain and for approval

- Low Self Esteem – cutting corners to achieve success in order to achieve the approval of others

- Authoritarianism – emphasis on obedience and respect for authority; tend to squelch dissent or critical assessment by others that could avoid the ethical problem; fortifies conformity
Personality Traps

- Social dominance orientation – preference for superiority/dominance of your group, tends to limit empathy for those outside the group; reduce altruism.

- Need for closure – preference for an answer over ambiguity. Need for closure. Black/white thinking. Many ethical questions are by definition grey.

- Overempathy – cutting corners to help a friend; allowing someone to “cut to the front of the line” because we relate to their need, even if others’ needs are greater.
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