February 5, 2019

Deborah A. Lawlor, FAICP
AICP President
205 N. Michigan Avenue, Suite 1200
Chicago, IL 60601-5927

Dear Ms. Lawlor,

The Kansas Chapter asked our Chapter to support an amendment to the American Institute of Certified Planners (AICP) Code of Ethics, Rules of Conduct which simply states “We shall not unlawfully discriminate against another person”. The Kansas Chapter proceeded to implore the Commission to consider amending the clause after members attending an Ethics session thought we (as planners) should raise the bar on anti-discrimination. After the Kansas Chapter brought this issue to the attention of our board, we continued to investigate by collecting additional data and seeking direction from other AICP members including Carol Barrett, FAICP and Silvia Vargas, AICP. The summary of our research is detailed within this letter. Our board considered the request along with the additional data and voted to support an amendment. We respectfully ask the Commission to consider updating the anti-discrimination clause in the AICP Code of Ethics in an effort to support more inclusivity and seek social justice.

The Kansas Chapter also collected Code of Ethics from other allied professions and discovered that several had recently updated their codes to prohibit discrimination. For example, the American Institute of Architects (AIA) Code of Ethics and Professional Conduct includes the following rule, “Members shall not discriminate in their professional activities on the basis of race, religion, gender, national origin, age, disability, or sexual orientation”.

As stated in the opening paragraphs of our AICP Code of Ethics and Professional Conduct, “As Certified Planners, all of us are also members of the American Planning Association and share in the goal of building better, more inclusive communities”. Unfortunately, in most states, it remains lawful to discriminate based on sexual orientation and gender identity or expression.

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While there are examples of government and private sector policies that prohibit discrimination based on sexual orientation and gender identity or expression even if their State hasn’t made it an unlawful to do so, planners are questioning why our Code isn’t acting as the guide. According to the Human Rights Campaign, only 21 States and the District of Columbia prohibit discrimination based on sexual orientation and gender identity (Exhibit A).

In recent years, the American Planning Association (APA) has been proactively addressing equity and inclusivity. The APA Diversity and Inclusion Strategy, adopted by the Board of Directors in April 2018, sets forth an association-wide plan for how planners better promote the understanding and practices of diversity and inclusion both within and outside the planning community and profession. The following excerpt is included within the vision statement: “Diversity is an inclusive concept which encompasses, but not is not limited to, ethnicity, class, gender, age, sexuality, ability, educational attainment, spiritual beliefs, creed, culture, tribal affiliation, nationality, immigration status, political beliefs and veteran status”. The Diversity and Inclusion Strategy includes several strategies and goals to support the vision and mission. Strategy 2 states, “Actively address barriers to and support the recruitment and retention of underrepresented peoples in the profession, the organization and among APA elected leadership”. This strategy seems to support our member’s desire to expand the anti-discrimination clause within the Code of Ethics.

We understand that the APA Board of Directors and the AICP Commission has directed a strategic effort to revise the Code of Ethics. Please consider this as an opportunity to promote diversity and inclusion by enhancing the anti-discrimination clause. Perhaps the Knowledge-Based Task Force could incorporate information regarding this topic into their white paper. If the Follow-Up Task Force membership has not been finalized we recommend that you consider an additional candidate, Heather Nick, AICP. She has researched this topic on behalf of the Chapter and is willing to assist in the effort to revise the Code of Ethics.

Again, we respectfully ask the AICP Commission to consider updating the anti-discrimination clause in the AICP Code of Ethics to support more diversity and inclusion both within and outside the planning community and profession.

Respectfully,

M. Douglas McDonald, AICP, CNU-A
APA Texas Chapter President

CC: James Peters, FAICP
Karen Wolf, FAICP
Glenn E. Larson, AICP
Silvia Vargas, AICP
The Federal Equal Employment Opportunity Commission is currently accepting complaints of sexual orientation and gender identity discrimination in employment based on Title VII's prohibition against sex discrimination.

*State courts, commissions, agencies, or attorney general have interpreted the existing law to include some protection against discrimination against transgender individuals in Florida and New York.

*North Carolina’s executive order enumerates sexual orientation and gender identity. However, this order has a bathroom carve out for transgender employees making the executive order not fully-inclusive.