

Appendix I: Professional Code of Practice

1 Preamble

Members of the Institute must practice in an ethical and responsible manner. The Professional Code of Practice forms the basis of planning practice by Members; it is enforceable through the disciplinary provisions of the OPPI By-law 1-86, as amended. In Ontario, all complaints regarding the conduct of the Members will be addressed by the OPPI Discipline Committee which shall have sole authority over the matter.

Further, the Institute refers Members to the CIP Statement of Values, which follows as a source of inspiration and guidance for professional planners in Canada, and, as well, to the Standards of Practice contained in *Schedule B*, Practice Standards, of the OPPI By-law. These should be read in conjunction with this Professional Code of Practice. In the event of conflict, the Professional Code of Practice shall prevail.

CIP Statement of Values:

To respect and integrate the needs of future generations.

CIP Members recognize that their work has cumulative and long-term implications. When addressing short-term needs, CIP members acknowledge the future needs of people, other species and their environments, and are to avoid committing resources that are irretrievable or irreplaceable.

To overcome or compensate for jurisdictional limitations.

CIP Members understand that their work has a potential impact on many jurisdictions and interests. They must therefore practice in a holistic manner, recognizing the need to overcome the limitations of administrative boundaries.

To value the natural and cultural environment.

CIP Members believe that both natural and cultural environments must be valued. They assume roles as stewards of these environments, balancing preservation with sustainable development.

To recognize and react positively to uncertainty.

CIP Members believe that the long-term future is unpredictable and that adaptable and flexible responses to deal positively with this uncertainty must be developed.

To respect diversity.

CIP Members respect and protect diversity in values, cultures, economics, ecosystems, built environments and distinct places.

To balance the needs of communities and individuals.

CIP Members seek to balance the interests of communities with the interests of individuals, and recognize that communities include both geographic communities and communities of interest.

To foster public participation.

CIP Members believe in meaningful public participation by all individuals and groups and seek to articulate the needs of those whose interests have not been represented.

To articulate and communicate values.

CIP Members believe in applying these values explicitly to their work and communicating their importance to clients, employers, colleagues and the public.

2 PROFESSIONAL CODE OF PRACTICE

1.0 The Planner's Responsibility to the Public Interest

Members have a primary responsibility to define and serve the interests of the public. This requires the use of theories and techniques of planning that inform and structure debate, facilitate communication, and foster understanding. Accordingly, a Member shall:

- 1.1 practice in a manner that respects the diversity, needs, values and aspirations of the public and encourages discussion on these matters;
- 1.2 provide full, clear and accurate information on planning matters to decision makers and members of the public, while recognizing both the client's right to confidentiality and the importance of timely recommendations;
- 1.3 acknowledge the inter-related nature of planning decisions and their consequences for individuals, the natural and built environment, and the broader public interest; and
- 1.4 identify and promote opportunities for meaningful participation in the planning process to all interested parties.

2.0 The Planner's Responsibility to Clients and Employers

Members must provide diligent, creative, independent, and competent performance of work in pursuit of the client's or employer's interest. Accordingly, a Member shall:

- 2.1 impart independent professional opinion to clients, employers, the public, and tribunals;
- 2.2 work with integrity and professionalism;
- 2.3 not perform work outside of his/her professional competence;
- 2.4 not neglect planning services which he/she has agreed to perform, nor render services without adequate preparation;
- 2.5 acknowledge the values held by the client or employer in work performed, unless such values conflict with other aspects of this Code;
- 2.6 respect the client or employer right to confidentiality of information gathered through a professional relationship;
- 2.7 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;
- 2.8 ensure full disclosure to a client or employer of a possible conflict of interest arising from the Member's private or professional activities, in a timely manner;
- 2.9 inform all relevant parties and provide the Member's professional recommendation in situations that may adversely affect the public interest;
- 2.10 reject and not offer any financial or other inducements, including prospective employment, that could influence or affect professional opportunities or planning advice;

- 2.11 not as an employee of a public planning agency, give professional planning advice for compensation to a private client or employer within the jurisdiction of the public agency without written consent and disclosure to the agency;
- 2.12 not, as a consultant to a public planning agency during the period of contract with the agency, give professional planning advice for compensation to others within the jurisdiction of the agency without written consent and disclosure to the agency in situations where there is the possibility of a conflict of interest arising;
- 2.13 not, as a salaried employee of or consultant to any public planning agency, directly or indirectly advise the agency on the granting or refusal of an application which the Member has submitted or has an interest in to the agency; however, the Member may present the application;
- 2.14 not accept anything of value, or the promise of anything of value, including prospective employment, from any person when it could appear that the offer is made for the purpose of influencing the Member's actions as an advisor to a public planning agency; and
- 2.15 not, in order to obtain professional work, present himself/herself as, or permit himself/herself to be presented as, prepared to provide planning services where the quality of work is less than reasonable and appropriate in the circumstances.

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

The vitality and credibility of the planning profession and of the Institute are reflective of the quality of the Membership. To further the profession, Members will be expected to attain and maintain a high standard of professional competence and conduct, which extends to their relationship with other Members. Accordingly, Members shall:

- 3.1 take all reasonable steps to maintain their professional competence throughout their working lives and shall respect OPPI's continuing professional learning requirements as amended from time to time;
- 3.2 encourage healthy and constructive criticism about theory and practice of planning among colleagues and share the results of experience and research that contributes to the evolving body of planning knowledge;
- 3.3 maintain an appropriate awareness of contemporary planning philosophy, theory, and practice by seeking and receiving professional education throughout a planning career;
- 3.4 contribute to the professional education, mentoring, and development of planning students, Members, and other colleagues;
- 3.5 not in professional practice, extra-professional activities or private life, engage in dishonourable or questionable conduct that may cast doubt on the Member's professional competence or integrity or that may reflect adversely on the integrity of the profession;
- 3.6 ensure that advertising or promotional activities fairly and accurately communicate the expertise and skills offered;
- 3.7 advertise professional planning services in a manner that enhances the credibility of the profession;
- 3.8 accurately represent his or her professional qualifications and affiliations, education and experience, and those of colleagues;
- 3.9 act toward other Members and other colleagues in a spirit of fairness and consideration and not falsely or maliciously injure the professional reputation, prospects or practice of another

Member and other colleagues;

- 3.10 respect the Member's 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;
- 3.11 not attempt to supplant another Member once the Planner has knowledge that definite steps have been taken toward the other's employment;
- 3.12 not sign or seal a final drawing, specification, plan, report or other document not actually prepared or checked by the Member;
- 3.13 not directly or indirectly discriminate against any person because of said person's race, national or ethnic origin, colour, religion, sex, age or mental or physical disability in any aspect of job recruitment, hiring, conditions of employment, training, advancement or termination of employment;
- 3.14 report to the Institute the behavior of any Member believed to be in breach of this Code;
- 3.15 not make public statements on behalf of the Institute's Members unless authorized to do so;
- 3.16 comply with any reasonable request of the Institute for information or for the co-operation of the Member in pursuit of any Institute objective; and
- 3.17 implement and give full effect to the disposition of any discipline proceeding affecting the Member.

Appendix II: Disciplinary Proceedings

- 1 Any person may submit a complaint in respect of an alleged breach, by a member in any of the corporate classes of membership, of the Professional Code of Practice

- 2 **Every complaint shall:**
 - 2.1 be in writing and contain a concise statement of the facts and evidence relevant to the complaint; and
 - 2.2 specify the applicable sections of the Professional Code of Practice relied upon by the complainant; and
 - 2.3 identify the name and address of the complainant or the complainant's solicitor to whom communications shall be sent.

- 3 The written complaint shall be submitted to the Executive Director who shall refer the complaint to the Chair of the Discipline Committee upon payment by the complainant of such fee as may be established by the Council for the hearing of a complaint.

- 4 Upon receipt of the complaint, the Chair of the Discipline Committee shall appoint not more than two (2) members of the Committee at least one (1) of whom shall be a Full Member, to be a subcommittee which shall:
 - (a) conduct a preliminary inquiry into the nature of the complaint and shall provide a recommendation to the Discipline Committee as hereafter provided; and
 - (b) consider whether mediation of the complaint is appropriate or advisable and shall provide a recommendation thereon to the Discipline Committee before or at the time of its recommendation under paragraph (a); and

the Chair of the Discipline Committee shall appoint a different member of the Discipline Committee to be the Secretary of the Discipline Committee in respect of the processing of the complaint. The files of the sub-committee shall be confidential and not available at any time to the Discipline Committee, the complainant, the member that is the subject of the complaint, the Institute or the public.

- 4.1 The subcommittee shall interview the complainant and the member complained of and shall determine whether the matter should proceed to a hearing. Where the subcommittee has determined that a matter shall proceed to a hearing, the Committee shall not be afforded reasons for that decision.
- 4.2 If the subcommittee determines that a hearing is not warranted, the subcommittee shall so recommend in writing with reasons to the full Committee.
- 4.3 If the Committee concurs that a hearing is not warranted, the Committee shall give notice to the parties of its intention to dismiss the proceeding and shall set out the reasons for dismissal and inform the parties of their right to make written submissions to the Committee with respect to the dismissal within the time specified in the notice.

4.4 If the subcommittee determines that a hearing is warranted or if the Committee declines a subcommittee recommendation that a hearing is not warranted, the Secretary of the Committee shall forthwith notify the member of whose conduct is complained that it is the intention of the Discipline Committee to hold a hearing into the merits of the allegation and the Secretary of the Committee shall notify the Council that a complaint has been received but shall not identify the parties involved and shall not divulge the particulars of the complaint.

4.5 Any members of the subcommittee shall have no further part in the hearing of the complaint.

5 Hearings before the Disciplines Committee shall be subject to the following:

5.1 The hearing shall be held not earlier than thirty (30) days and not later than sixty (60) days after the date of the notice of the Secretary of the Discipline Committee appointed under Section 4 of this Appendix in respect of the complaint.

5.2 Notice of the hearing with a copy of the complaint shall, at least fifteen (15) days before the date of the hearing be sent by the Secretary of the Discipline Committee to each member of the Discipline Committee and the member complained of at that member's address shown on the rolls of the Institute and to the person making the complaint.

5.3 The notice of hearing shall include a statement of the time, place and purpose of the hearing a reference to the By-law of the Institute under which the hearing will be held and a statement that if the party notified does not attend at the hearing the Discipline Committee may proceed in the person's absence and there shall be no entitlement to any further notice of the proceedings.

5.4 Where notice has been given to a party to any proceeding before the Discipline Committee and the party does not attend at the hearing, the Discipline Committee may proceed in the party's absence and there shall be no entitlement to any further notice of the proceedings.

5.5 A hearing may be adjourned at any time.

5.6 A hearing of the Discipline Committee shall be open to the public unless:

5.6.1 the person of whose conduct is complained requests otherwise by notice in writing delivered to the Secretary of the Discipline Committee before the day fixed for the hearing, and

5.6.2 the Discipline Committee directs that the public be excluded from part or all of the hearing on being satisfied that:

a) matters involving public security may be disclosed;

b) financial or personal or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of them in the interests of any person affected or in the public interest outweighs the desirability of adjuring to the principle that hearings be open to the public.

c) a person involved in a civil or criminal proceeding may be prejudiced; or

d) the safety of a person may be jeopardized.

5.6.3 The Discipline Committee may direct that the public be excluded from a hearing when it receives evidence or submission on, or deliberates whether to accept, a request under Section 5.6.1.

5.6.4 The provisions of this Section 5.6 apply with the necessary changes to any rehearing ordered

by Council pursuant to Section 8.2 hereof with respect to such application or proceeding.

- 5.7 Any person presiding at a hearing may administer oaths to witnesses, subject to the provisions of the Commissioner for Taking Affidavits Act as amended from time to time, and may require such witnesses to give evidence under oath.
 - 5.8 A member of the Discipline Committee shall not participate in a hearing or any part of an adjudication thereof if the said member has a personal interest or connection with the subject matter or has otherwise the appearance of bias or was not present during any part of the hearing.
 - 5.9 A party to proceedings may at a hearing be represented by counsel or an agent; a party may call and examine witnesses and present arguments and submissions and may conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of the facts.
 - 5.10 The oral evidence submitted at a hearing shall be recorded by the Secretary of the Committee or an appointee and such record shall constitute the only official record of the proceedings.
 - 5.11 The Discipline Committee may make and disseminate procedural directions providing for pre-hearing filings, the exchange of information and the duties of service and disclosure of documents as between the complainant and the member complained of and a hearing so as to provide for a reasonable and fair exchange of information. The Secretary of the Discipline Committee and all parties shall be provided a copy of any information, interrogatory, response or pleading exchanged pursuant to such directions.
 - 5.12 All disciplinary determinations require the vote of a majority of the members of the Discipline Committee present at a hearing, but in the event of a tie vote the motion or recommendation shall be considered lost.
 - 5.13 The determination of the Discipline Committee shall be in writing and signed by a majority of all the members of the Discipline Committee participating at the hearing and shall be accompanied by reasons in which are set out findings of fact and a copy of the reasons and determination shall be dated and forthwith provided to the Council and to all parties to the hearing by the Secretary of the Discipline Committee.
 - 5.14 Where a proceeding is commenced by the Discipline Committee and the term of office of a member sitting expires prior to the termination of the proceeding but after evidence has been heard, the member shall be deemed to continue as a member of the Discipline Committee for the purpose of the completion of the disposition of the proceeding.
 - 5.15 The Council shall provide to the Discipline Committee access to legal counsel on matters pertaining to a hearing.
- 6** Where following a hearing the Discipline Committee determines that there has been a breach of the Professional Code of Practice, it may direct one or more of the following:
- 6.1 the revocation of the member's membership and the removal of the member from the register;
 - 6.2 the suspension or limitation of the member's rights and privileges in the Institute for a stated period;
 - 6.3 the reprimand of the member and, if deemed warranted, the recording of the fact of such reprimand in the manner specified;

- 6.4 the imposition of such fines as the Discipline Committee considers appropriate, to a maximum of twenty five thousand (\$25,000) dollars to be paid by the member to the general account of the Institute;
- 6.5 the imposition of a penalty but that such penalty be postponed or suspended for such period and upon such terms as specified.
- 6.6 the application, requirement or imposition on the member of such extra-curricular, educational or such other corrective measure or measures that in the opinion of the Discipline Committee are fair and reasonable having regard to the circumstances.
- 7 In the event that a petition is filed as hereinafter provided, the operation of the determination of the Discipline Committee shall be stayed until such time as matters have been finally determined.
- 8 Any party or person interested may by Petition request that a final determination of the Discipline Committee made following the hearing of a complaint be reviewed by Council in accordance with the provisions herein provided; for greater certainty, no Petition right shall exist in respect of a determination by the Discipline Committee not to hold a hearing under paragraph 4.3 hereof or in respect of any procedural ruling, interim, or interlocutory determination of the Discipline Committee.
 - 8.1 Subject to Section 8, on a petition by a party or person interested served upon the parties and the Executive Director of the Institute within thirty (30) days of the date of the determination of the Discipline Committee, and upon payment by the party or person interested of such fee as is established by Council for the purpose of filing such a petition, the Council shall reconsider the determination and without being required to hold a hearing may be resolution:
 - 8.1.1 confirm, vary or rescind the whole or any part of such determination; or
 - 8.1.2 remit the matter to the Discipline Committee for a new hearing on the whole or any part of a complaint submitted pursuant to Section 1 of this Appendix.
- 9 A resolution of the Council pursuant to Section 8 of the Appendix shall be made within ninety (90) days of the receipt by the Council of the petition filed, and the resolution shall forthwith be served upon the parties or person at interest by the Secretary of the Institute.
- 10 The resolution of the Council pursuant to Section 9 of this Appendix shall be in writing and shall be final, binding and conclusive of all matters dealt with therein and, where the Council elects to remit the matter to the Discipline Committee for a new hearing, there shall be no further right to petition under Section 8 of this Appendix.
- 11 It is the duty of every member of the Institute to comply with any decision of the Discipline Committee or the Council as hereinbefore provided and the membership of any member who fails to comply forthwith may be revoked by resolution of the Council without further proceedings.
- 12 All notices and correspondence relating to a disciplinary proceeding shall be sent by registered mail, courier, or facsimile and shall be deemed to have been received by the recipient forty-eight (48) hours after being sent, provided delivery can be proved by signature or facsimile confirmation.

- 13** When a member's membership is revoked, all rights and privileges as a member cease, or, when a member's membership is suspended, the member shall possess no rights or privileges as a member during the period of suspension.
- 14** Where a member's membership is revoked, the member may apply to be readmitted to membership and the Council, after due inquiry by a committee thereof, may readmit such person as a member upon such terms and conditions as the Council considers proper.
- 15** Notice of any revocation, suspension, resignation, reprimand, readmission or other change in a member's status in the Institute arising as a result of a disciplinary proceeding shall be kept separately by the Secretary of the Institute in the books of the Institute and the determination or affirmation shall be published by the Institute in its annual report and may be published elsewhere by the Institute, and where a member has been found in breach of the Professional Code of Practice the full name and address of the member may be stated and a summary of the complaint, determination and penalty imposed may be stated and the text and substance of any restriction on membership or of any reprimand may be added, but where a member has been found not to be in breach of the Professional Code of Practice the identity of the member shall not be published, but the substance of the proceedings may be published without identification of the parties for the purpose of publishing advice to the members of the profession.
- 16** The Council may annually set fees on applications for the hearing of a complaint before the Discipline Committee and on filing petitions arising there from and may determine to waive or refund any such fees owing or actually paid at any time. The failure to pay such fees may result in the complaint or petition being dismissed by the Discipline Committee or the Council, as the case may be, by resolution without any notice.