



So let it be written.
So let it be done.

Yul Brynner

So Let it be Written, So let it be Done. The Code of Ethics & Utah's HB 261



- Bruce Parker, Principal, Planning & Development Services, LLC
- Roger Baker, City Attorney, Tooele City
- Olivia Jaramillo, Public Outreach Director, Equality Utah
- Sara Jones, President, InclusionPro

Our Obligations to Diversity, Equity, and Inclusion.

The AICP Code of Ethics and Professional Conduct says it is a planner's responsibility to advance diversity, advance diversity, equity, and inclusion (DEI) in the profession and within the communities they serve.

DIVERSITY



of people and perspectives

EQUITY



in policy and practice

INCLUSION



of all voices and visions

Planners' Responsibility to Advance DEI

AICP Code of Ethics and Professional Conduct Requirements

- ✓ **TAKE A GOOD HARD LOOK AT OURSELVES. UNDERSTAND OUR BIASES AND PRIVILEGES.** Examine our own **PRIVILEGES.** Examine our own cultures, practices, values, and professional positions to reveal and understand our conscious and unconscious biases and privileges as an essential first step so we can better serve a truly inclusive public interest, promoting a sense of belonging (**Section A. 1.1**).
- ✓ **BUILD PLANS BASED ON EQUITY PRINCIPLES & ACHIEVE SOCIAL JUSTICE. MAKE SOCIAL OUTCOMES MEASURABLE.** Incorporate equity principles and strategies as the foundation for preparing plans and implementation programs to achieve more socially just decision-making. Implement changes to existing plans, regulations, policies, and procedures that can help overcome historical impediments to racial and social equity. Develop metrics and track plan implementation over time to measure and report progress toward achieving more equitable outcomes (**Section A. 1.5**).
- ✓ **EXPAND CHOICE FOR EVERYONE, INCLUDING THOSE WHO ARE MARGINALIZED OR DISADVANTAGED. FIX DISADVANTAGED. FIX BROKEN PLANS AND POLICIES.** Seek social justice by identifying and working to expand choice and opportunity for all persons, emphasizing our special responsibility to plan with those who have been marginalized or disadvantaged and to promote racial and economic equity. Urge the alteration of policies, institutions, and decisions that do not

AICP Code of Ethics and Professional Conduct Definitions

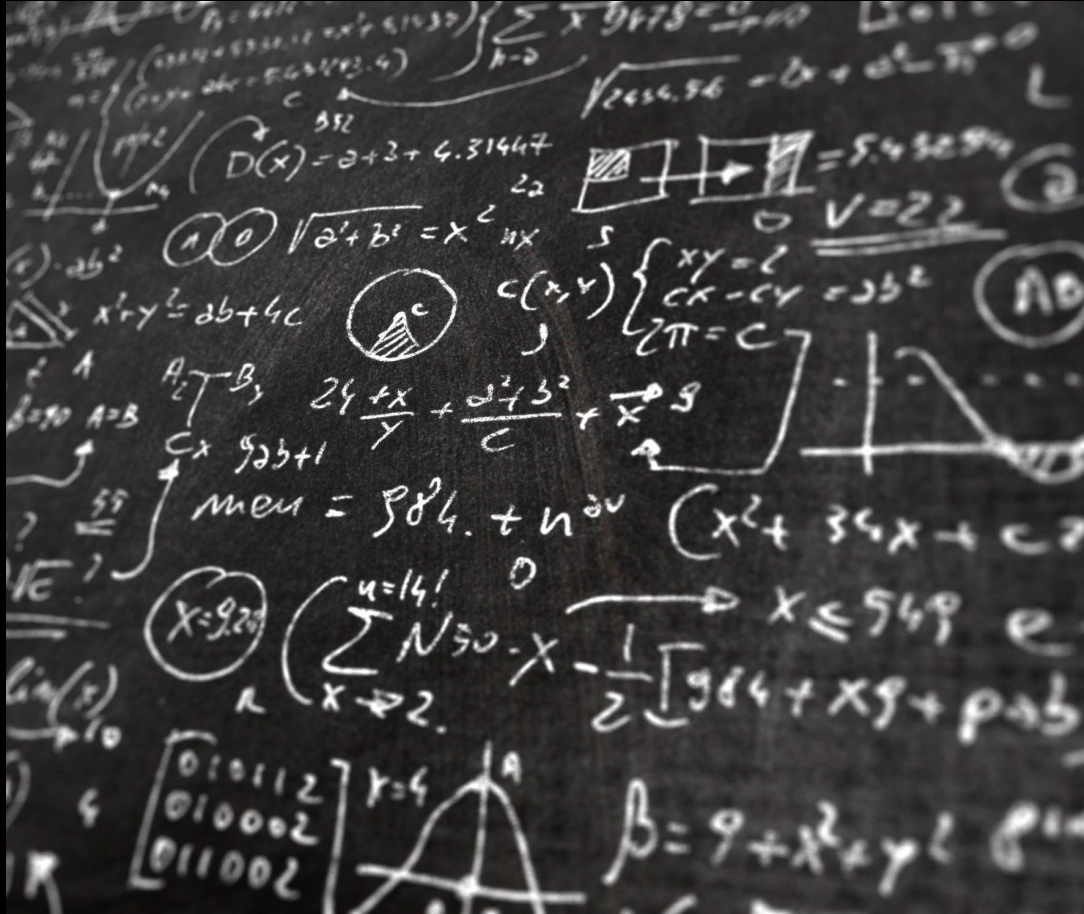
- ✓ **Diversity** - The inclusion of all in a manner not limited by race, ethnicity, class, gender, age, age, sexuality, ability, educational attainment, spiritual beliefs, creed, culture, tribal affiliation, affiliation, nationality, immigration status, political beliefs, or veteran status, to embrace varied varied perspectives, experiences, backgrounds, talents, and interests in all human efforts.
- ✓ **Equity** - A value-driven correction of identified practices and inequities that provides access to access to opportunities and needed resources for disadvantaged groups and individuals. An equity approach recognizes the lack of benefits that have accrued to minority communities resulting from discriminatory practices.
- ✓ **Inclusion** - An environment in which all individuals are treated fairly and respectfully; are valued for are valued for their distinctive skills, experiences, and perspectives; have equal access to resources and resources and opportunities; and can contribute fully.



Enrolled Copy	H.B. 261
1	EQUAL OPPORTUNITY INITIATIVES
2	2024 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Katy Hall
5	Senate Sponsor: Keith Grover
6	
7	LONG TITLE
8	General Description:
9	This bill prohibits an institution of higher education, the public education system, and a
10	governmental employer from taking certain actions and engaging in discriminatory
11	practices.
12	Highlighted Provisions:
13	This bill:
14	• defines terms;
15	• prohibits an institution of higher education, the public education system, and a
16	governmental employer from:
17	• requiring an individual, before, during, or after admission or employment, to
18	provide certain submissions or attend certain training that promotes differential
19	treatment;
20	• using an individual's certain characteristics in decisions regarding aspects of
21	employment or education; and
22	• engaging in certain practices;
23	• requires the Utah Board of Higher Education (board), the State Board of Education
24	(state board), the state auditor, and executive agency directors to review and report
25	compliance with certain requirements;
26	• prohibits an institution of higher education, the state board, and a governmental
27	employer from establishing or maintaining an office that engages in certain
28	practices;
29	• requires an institution of higher education to:

Now comes HB 261 (2024 Utah State Legislative session)

The Effects of HB 261 on Planning & Planners in Utah



- Let the words “Diversity, Equity, and Inclusion (DEI)” be unwritten and unspoken in Utah and stricken from every Pilon, Post, Place, Personnel Action, Performance, Placement, Page, Policy, Plan, Program, Principle, Poem, Play, and from all Politics (HB 261 [2024] summary).

Governors take on HB 261

- *“The lure that attracts so many people to the identity synthesis (DEI) is a desire to overcome persistent injustices and create a society of genuine equals. But the likely outcome of implementing this ideology is a society in which an unrelenting emphasis on our differences pits rigid identity groups against each other. Focusing less on dividing and more on uniting does not mean that we need to leave our racial identities or cultures behind ” (Gov. Spencer Cox).*





AICP Code of Ethics and Professional Conduct

v.

HB 261.

What is a Planner to do?

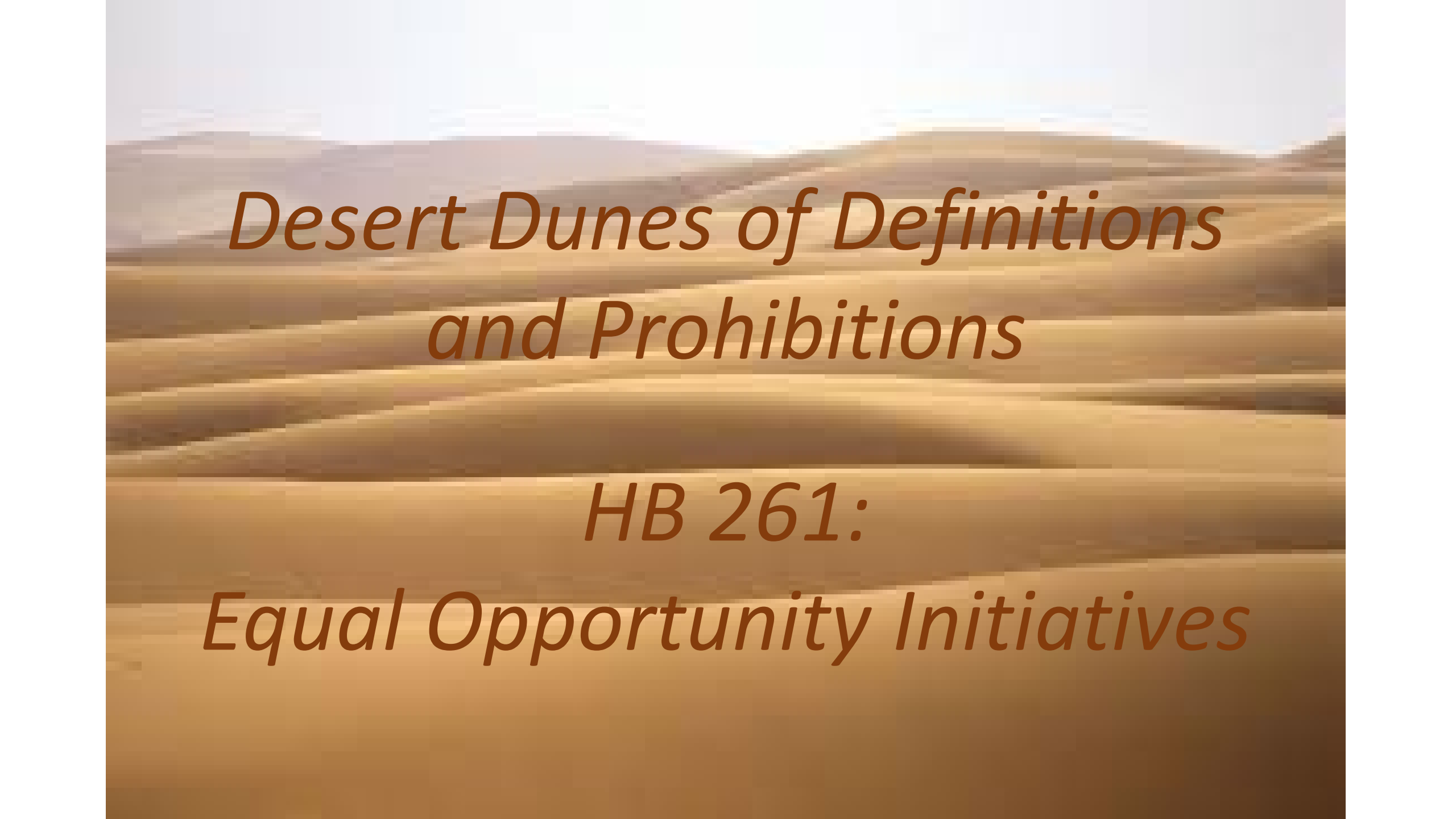


**Are we destined to wander in the
wilderness?**



Can we cross a Planning Red Sea?



A photograph of a desert landscape with rolling sand dunes under a bright, hazy sky at sunset or sunrise. The dunes are in the foreground and middle ground, with a small, distant mountain peak visible on the horizon. The overall color palette is warm, with shades of orange, yellow, and brown.

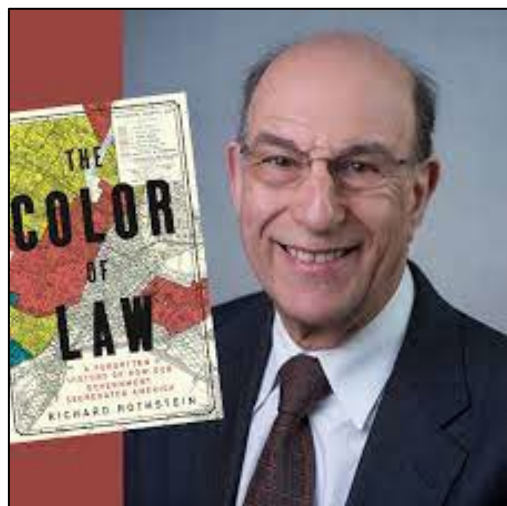
Desert Dunes of Definitions and Prohibitions

*HB 261:
Equal Opportunity Initiatives*

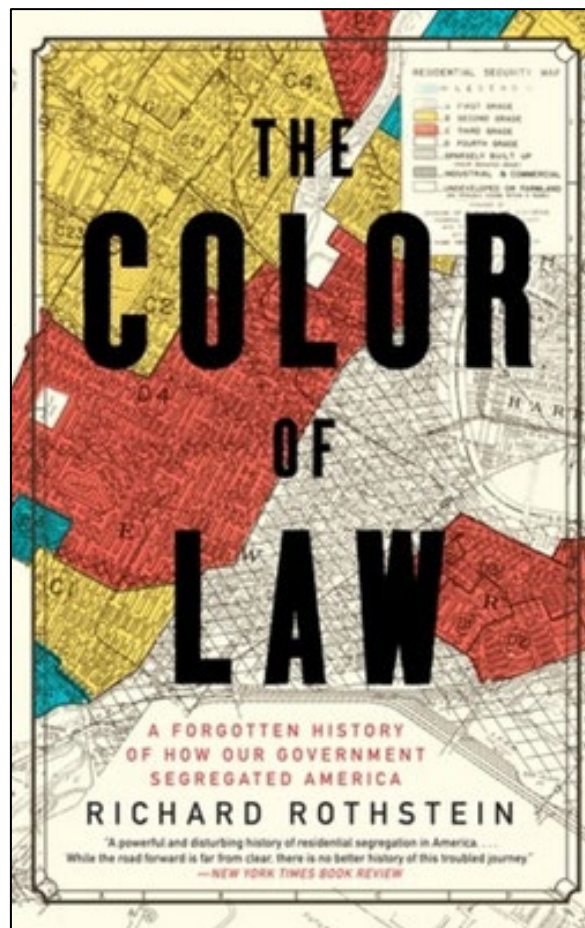
Example #1



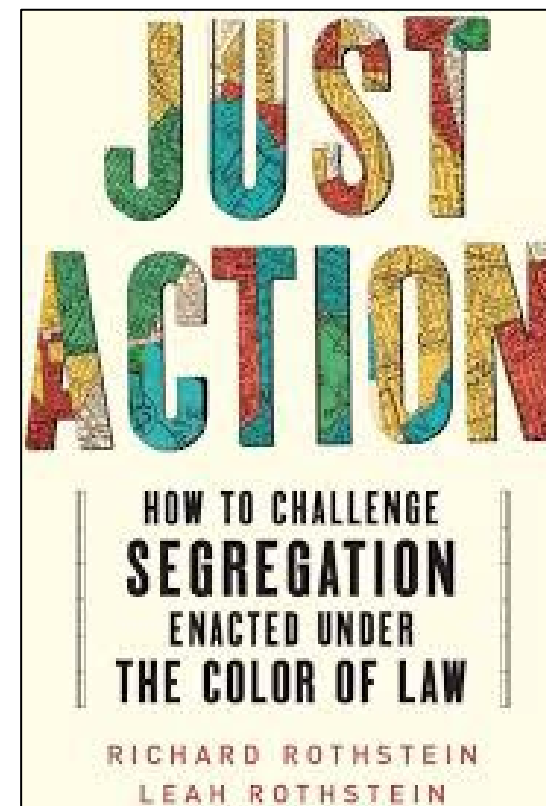
Local Government Employer



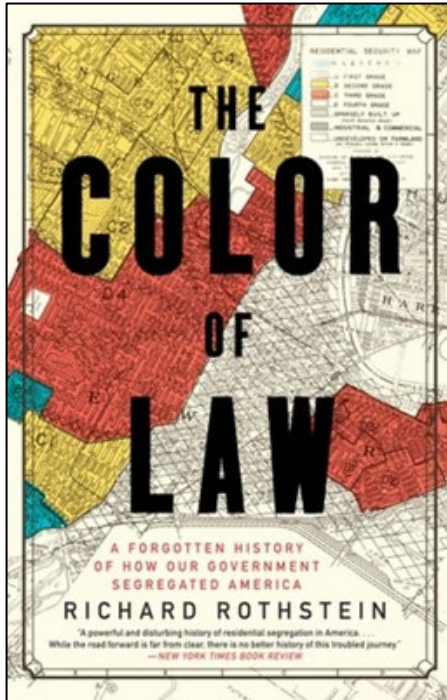
Harvard University
 U.C. Berkley
 Economic Policy Institute
 NAACP Legal Defense Fund



2017



2023



New York Times book review:
"no better history"
of housing segregation in America.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting on October 23, 2024.

8. **Land Use Training** – Book Discussion: *The Color of Law: A Forgotten History of How Our Government Segregated America*

This training discussion with the Planning Commission may violate HB 261.

Example #2



State Governmental Employer

Steve Waldrip:
Senior Advisor
to
Governor Cox
for
Housing Strategy and
Innovation



- X List the desirability of housing equity experience in a committee appointment notice?
- X Ask for a resume from committee and staff applicants?
- X Consider housing equality experience when hiring staff?
- X Consider “minority communities” in housing strategy committee discussions?
- X Refer to “Black populations” in housing strategy reports or policy documents?

These activities may violate HB 261.

UCA 53B-1-118. Prohibited Discriminatory Practices

(each based in personal identifying characteristics)



Section 53B-1-118. Prohibited Discriminatory Practices

"Prohibited discriminatory practice" means engaging in or maintaining a policy, procedure, practice, program, office, initiative, or required training that, based on an individual's personal identity characteristics:

- (A) promotes the differential treatment of an individual without an important government interest;
- (B) influences the employment decisions of an individual other than through the use of neutral hiring processes with regard to personal identity characteristics and in accordance with federal law;
- (C) influences an individual's admission to, advancement in, or graduation from an institution, the public education system, or an academic program; or
- (D) influences an individual's participation in an institution-sponsored or public education system-sponsored program.

"Prohibited discriminatory practice" also means engaging in or maintaining a policy, procedure, practice, program, office, initiative, or required training that:

- (A) asserts that one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;
- (B) asserts that an individual, by virtue of the individual's personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim, whether consciously or unconsciously;
- (C) asserts that an individual should be discriminated against in violation of Title VI, Title VII, and Title IX, receive adverse treatment, be advanced, or receive beneficial treatment because of the individual's personal identity characteristics;
- (D) asserts that an individual's moral character is determined by the individual's personal identity characteristics;
- (E) asserts that an individual, by virtue of the individual's personal identity characteristics, bears responsibility for actions committed in the past by other individuals with the same personal identity characteristics;
- (F) asserts that an individual should feel discomfort, guilt, anguish, or other psychological distress solely because of the individual's personal identity characteristics;
- (G) asserts that meritocracy is inherently racist or sexist;
- (H) asserts that socio-political structures are inherently a series of power relationships and struggles among racial groups;
- (I) promotes resentment between, or resentment of, individuals by virtue of their personal identity characteristics;
- (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual because of the individual's race, color, ethnicity, sex, sexual orientation, national origin, or gender identity;
- (K) considers an individual's personal identity characteristics in determining receipt of state financial aid or other state financial assistance, including a scholarship award or tuition waiver; or
- (L) is referred to or named diversity, equity, and inclusion.

UCA 53B-1-118. Prohibited Discriminatory Practices

(each based in personal identifying characteristics)

1. No differential treatment (except for important government interest: athletes)
2. No differential hiring (or promotion, tenure, termination)
3. Can't say anyone is better or worse than anyone else
4. Can't say anyone is inherently privileged, oppressed or oppressive, racist, sexist, or a victim
5. Can't say moral character is determined
6. Can't attribute responsibility for past acts
7. Can't make a person feel guilty or uncomfortable
8. Can't say meritocracy is racist or sexist
9. Can't say social, political, or other power structures are based in race (etc.)
10. Can't create resentments between people
11. Can't ascribe a person's values, morals, or ethical codes, privileges, or beliefs
12. Can't use the words “**diversity, equity, and inclusion**”

A photograph of a desert landscape featuring sand dunes under a dramatic, cloudy sky. The text is overlaid on the image.

UCA 53B-1-117

Prohibited training:
mandatory instruction promoting a
prohibited discriminatory practice.

A photograph of a desert landscape. In the foreground, there are rolling sand dunes with visible tracks from a vehicle or person. In the background, there are dark, silhouetted mountains under a clear blue sky.

UCA 53B-1-116

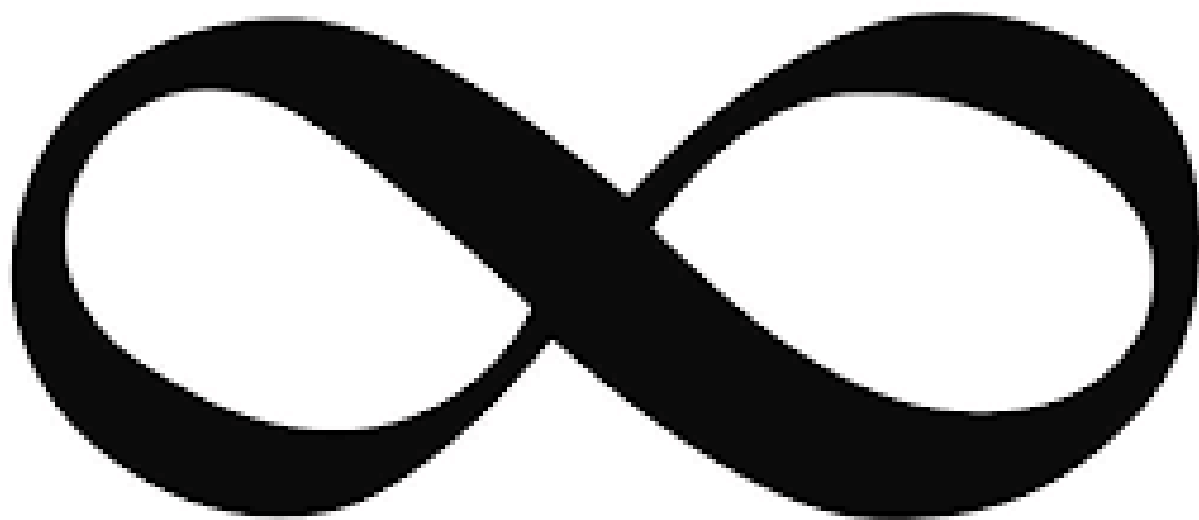
Prohibited submission:

anything that requires me to state in a document my position, viewpoint, efforts, or experience.

A Governmental Employer **MAY NOT**:

- X Engage in prohibited discriminatory practices.
- X Require prohibited training.
- X Request a prohibited submission.
- X Prefer a candidate who...provides a prohibited submission.

Example #n^{wxyz} (ad infinitum)





Good Luck





Olivia Jaramillo

Retired U.S. Air Force
Director, Public Outreach (Equality Utah)





2001 Utah's #1 LGBTQ rights advocacy group established

2013 Marriage Equality

2015 Non-discrimination law

2017 No Promo-Homo repealed

2019 Hate Crimes law

2020 Conversion Therapy banned in Utah

2021 Defeated two anti-trans bills, key in securing change of name & gender marker on birth certificates in the State of Utah

2023 Defeated two anti-trans bills, key in securing change of name & gender marker on birth certificates in the State of Utah

Equality Utah is the leading Diversity, Equity & Inclusion training source in Utah.



How did we achieve this change?

- ▶ Finding common ground
- ▶ Building on shared values
- ▶ Humanizing individuals
- ▶ Listening to understand
 - ▶ Makes others feel heard and valued
 - ▶ Makes the other more willing to listen
 - ▶ Build solutions when you value other points of view





BUSINESS EQUALITY LEADER

- *We speak your language-* We create understanding on tough issues by focusing on shared values.
- We respect people where they are, we are free from political or cultural biases.
- We use powerful storytelling to create connection.



BRAVE CONVERSATIONS



BEL | Companies Making a Difference

Goldman
Sachs



ZIONS BANK®

3M

ancestry

BRIDGE
INVESTMENT
GROUP

CHG
Healthcare

Your Logo
Here!

ClearLamp
FATFISH

COMCAST

INSTRUCTURE

LendingClub

Lucid

IMAGE
STUDIOS®

THE SHOP
CREATIVITY CONNECTED

VISTA
AN INGENOVIS HEALTH COMPANY

METHOD

Progressive
Leasing

RECURSION

SALT LAKE

.vivint

DOMO

KLAS
RESEARCH

For more info contact us
training@equalityutah.org



6 Month Utah DEI Pulsecheck Report now available!



Free Report

Utah DEI Pulsecheck

This 6-month update with insight from Utah DEI leaders and contributors gives a current snapshot of DEI legislation impacts. This comprehensive report now includes several valuable benchmarks.



DOWNLOAD IT TODAY

Traditional DEI

Executive champion



D&I speakers



Community projects



Affinity groups



Hire for diversity



Transformative DEI

Whole organization vision



Leadership skills building



Values-based behavior shifts



Innovative humanized experiences



Case Study: Disrupting Traditional Hierarchies Using Space Design

Innovative

1. Cross-Departmental Interactions
2. Open and Shared Meeting Spaces
3. Most Well-Lit Areas Prioritized for Larger Employee Base
4. Shared Social Spaces
5. Temporary Privacy
6. Workspace Choices Based on Personal Productivity
7. Executive Office Based on Personal and Team Productivity
8. Well-Being and Personal Space for All
9. Flexible and Adaptable Space
10. Welcoming and Psychologically Safe Environments

Traditional

1. Siloed Divisions
2. Executive-Only Boardroom
3. Executives Get Best Lighting/Corners
4. Exclusive Executive Areas
5. Permanent Barriers
6. One Size Fits All
7. Executive Offices Assigned Based on Hierarchy
8. Upper Management Perks or Nonexistent
9. Rigid Controlled Space
10. Stifling and Oppressive Environment

Shaping Your Spaces with Humanized Experiences

1. Universal Access
2. Purpose Driven Paths
3. Open Spaces and Collaborative Spaces
4. Broad Perspectives, Transparency, and Fairness of Process in Decision-Making
5. Fair Placement of Resources
6. Flexibility and Adaptability
7. Welcoming and Safe Environments
8. Active Community Engagement in the Space
9. Sense of Cultural and Social Belonging
10. Maximize Smaller and Larger Connectivity
11. Sustainable Spaces that Evolve with the Community
12. Integrated Well-Being and Personal space for rest and reflection

Can we cross Planning's Red Sea?

Suggestion for State Code and AICP Code of Ethics compliance.

An Affirmative Statement



- Our policy is that all residents are recognized, respected, and valued. The uniqueness and lived experiences of our residents contribute to the character, richness, and qualities of our community. The uniqueness of each resident and their participation in governance provides the necessary foundation for this plan/policy.