



CODE OF ETHICS POLICY

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PREAMBLE

Cycling South Africa (CyclingSA) adopts The International Cycling Union (UCI) Code of Ethics with amendments made as applicable to Cycling South Africa and this Code of Ethics is to be read in conjunction with the Code of Ethics of the UCI, which will take precedence in the event of any conflict in content, context or interpretation.

CHAPTER 1: SCOPE OF APPLICATION

Article 1: PERSONS BOUND BY THIS CYCLINGSA CODE OF ETHICS

The Cycling South Africa Code of Ethics (hereinafter: The Code) shall apply to the persons falling within the categories below. With respect to legal persons, the Code shall apply to all representatives with decision-making powers.

1. Officials and Members

All CyclingSA Officials, meaning members of the Cycling South Africa General Assembly, Executive Committee, Management Committee, honorary members, members of CyclingSA Committees, Commissions, Panels and Compliance and Advisory board (as an independent committee of CyclingSA), delegates at the CyclingSA General Assembly.

The members of CyclingSA are the provincial and regional affiliates, the executive members of provincial and regional affiliates, associate members, special members (Riders Commission) and the candidates for an executive position within CyclingSA, as well as the members of the provincial and regional affiliates as well as associate members.

2. License-holders

All license-holders as described in Article 1.1.010 of the UCI Cycling Regulations or as part of the Cycling SA membership.

3. Event organizers

Organizers and applicants for the organization of the CyclingSA National Championships, Cycling SA National Cups, leagues or series events and any other CyclingSA sanctioned competition or event, regardless of their form or constitution.

Article 2: SCOPE OF APPLICABILITY

The Code shall apply to conduct that damages the integrity and reputation of cycling and to illegal, immoral, and unethical behavior. The Code focuses on general conduct within cycling. For the avoidance of doubt, the application of the Code shall be subsidiary to the UCI and Cycling SA Cycling Regulations with regard to any behavior which is specifically governed therein, notably with respect to in-race actions.

Article 3: BREACH OF THE CODE

As a general rule, any breach of the Code may be established whether it was committed deliberately or negligently, whether or not the breach constitutes an act or an attempted act, and whether the parties acted as participant, accomplice or instigator.

Article 4: STATUTE OF LIMITATION

The investigation of breaches of the provisions of the Code may no longer be initiated after a period of 10 years. Provided that the investigation is initiated in a timely manner, the Ethics Commission or the independent Compliance and Advisory Board of Cycling SA (hereinafter: CAB) shall be entitled to complete pending cases and render decisions.

CHAPTER 2: RULES OF CONDUCT

Article 5: GENERAL PRINCIPLES

Persons bound by the Code are expected to be aware of the importance of their duties and related obligations and responsibilities.

Persons bound by the Code shall show commitment to an ethical attitude.

When discharging their duties and responsibilities they shall behave in a dignified manner and act with complete honesty, credibility, impartiality, and integrity.

They shall fulfil their duties with due care and diligence.

Persons bound by the Code may not abuse their position in any way, especially to take advantage of their position for private aims or gains.

All persons concerned shall always act in compliance with the principles below in any activity related to cycling and shall immediately report any potential breach of this Code to the chairperson of the CAB.

Article 6: RULES OF INTEGRITY

1. Non-discrimination

The persons bound by the Code shall not undertake any action, use any denigratory words, or any other means, that offend the human dignity of a person or group of persons, on any

grounds including but not limited to skin colour, race, religion, ethnic or social origin, political opinion, sexual orientation, disability, or any other reason contrary to human dignity. The above shall be considered as the general rule and is supplemented by a Diversity and Inclusivity Policy incorporating non-discrimination.

2. Duty of neutrality

In dealings with government institutions, national and international organizations, associations and groupings, persons bound by the Code shall remain politically neutral, in accordance with the principles and objectives of the UCI and CyclingSA, whenever expressing themselves on behalf of the organization they represent.

3. Confidentiality

Persons bound by the Code shall not disclose information entrusted to them in confidence and which has not been made public. Disclosure of other information shall not be for personal gain or benefit, nor be undertaken maliciously to damage the reputation of any person or organization. The obligation to respect confidentiality survives the termination of any relationship which makes a person subject to the Code.

4. Protection of physical and mental integrity

The persons bound by the Code shall respect the integrity of all persons with whom they interact in the context of their cycling-related activity. The personal rights of every individual whom they contact and who are affected by their actions shall be protected and respected. In particular, sexual harassment in any form is forbidden and the welfare of young people under the age of 18 is paramount so as to give them protection from poor practice, abuse and bullying.

4.1. Forbidden conduct

4.1.1. Psychological abuse

Any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment which may diminish the sense of identity, dignity, and self-worth.

4.1.2. Physical abuse

Any deliberate and unwelcome act – such as for example punching, beating, kicking, biting, and burning – that causes physical trauma or injury. Such act can also consist of forced or inappropriate physical activity (e.g., age-, or physique- inappropriate training loads; when injured or in pain), forced alcohol consumption, or forced doping practices.

4.1.3. Sexual harassment

Any unwanted or unwelcome conduct of sexual nature, whether verbal, non-verbal or physical.

4.1.4. Sexual abuse

Any conduct of sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given.

4.1.5. Neglect

Failure of a coach or another person with a duty of care towards the athlete to provide a minimum level of care to the athlete, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.

4.1.6. Minors and other dependent persons

Any behavior falling under the definitions of Section 2 of the Safeguarding Policy which is directed towards minors or other dependent person (relationship arising from education, care, employment, or any other form of dependent relationship) shall be considered as an aggravating circumstance in accordance with article 12.2.004 of the UCI regulations. The above shall read in conjunction with the Safeguarding Policy of Cycling SA.

4.2. Reporting of forbidden conduct

4.2.1. Obligation to report.

All persons bound by the Code of Ethics shall have the obligation to report any action that may reasonably be considered as a violation of Section 4 of the Safeguarding Policy.

4.2.2. Reporting channels

Reports may be made to the following persons/addresses with a view to filing a case with the CAB, the safeguarding committee, Secretary General or, as the case may be, provide relevant information regarding appropriate course of action:

- Dedicated email address of the CAB
- Dedicated email address of the Rider's Representative of CyclingSA
- Dedicated email address of the Safeguarding Committee
- Dedicated email address of the Secretary General of CyclingSA
- Or relevant electronic method that CyclingSA has contracted.

4.3. Registration of the case and recommendation for referral to a criminal authority.

- #### 4.3.1.
- Upon a file being sent to the Chairperson of the CAB, the sender of the complaint or denunciation shall be informed if it would be appropriate to address the matter to a criminal authority (instead or in parallel of the proceedings before the Ethics Commission).

Article 7: INTEGRITY RULES PERTAINING TO CONDUCT OF OFFICE

1. Offering and accepting gifts

Persons bound by the Code may only offer or accept a gift provided such gift would not reasonably be considered to influence the behavior of the accepting party, does not create any form of obligation, does not create an undue advantage of any kind, and does not create a conflict of interest. As a rule, only gifts of purely symbolic or trivial value, in accordance with prevailing local customs should be offered or accepted. The above shall be considered as the general rule and is supplemented by Conflict-of-Interest Policy of CyclingSA.

2. Bribery and corruption

Persons bound by the Code, shall not, directly, or indirectly, offer, promise, solicit, give, or accept any form of undue remuneration or commission, nor any concealed benefit or service of any nature. The aforementioned rule shall apply to activities related to the organization of cycling competitions or the governance of the sport, whether within or outside CyclingSA and any of its General Assembly members and whether in connection with the person's official activities or not. The above shall be considered as the general rule and is supplemented by Conflict-of-Interest Policy of CyclingSA.

3. Votes

All persons bound by the Code shall neither give nor accept instructions, inconsistent with their respective roles and responsibilities, to vote or intervene in a manner within the organs of the UCI, continental confederations, CyclingSA, and its affiliates, or any organization to which the UCI or CyclingSA is affiliated.

4. Conflicts of interest

Persons bound by the Code shall avoid any situation that could lead to a conflict of interest. A conflict of interest shall arise when the objectivity of a person bound by the Code, in expressing an opinion, undertaking any action or taking part in a decision, may be influenced or be perceived as being influenced due to private or personal interests. Private or personal interests include gaining any possible advantage for the persons bound by the Code, their family, relatives, friends, and acquaintances.

The above shall be considered as the general rule and is supplemented by Conflict-of-Interest Policy of CyclingSA.

Article 8: INTEGRITY OF COMPETITIONS

1. Manipulation of cycling events

Any undertakings that are aimed at or may potentially modify or influence the course or result of a competition, or any part thereof, in any manner contrary to sporting ethics, such as manipulation or corruption, is forbidden. For the avoidance of doubt, the provisions of the

Code shall be subsidiary to article 1.1.088 of the UCI Regulations with respect to matters governed by said provision.

1.1. Forbidden Conduct

1.1.1. Manipulation of events

Any intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a cycling event to remove all or part of the unpredictable nature of the cycling event with a view to obtaining an undue benefit for oneself or others.

1.1.2. Corrupt conduct

1.1.2.1. Providing, requesting, receiving, seeking, or accepting a benefit related to the manipulation of a cycling event or any other form of corruption.

1.1.2.2. Using inside information for the purposes of betting, any form of manipulation of cycling events or any other corrupt purposes whether by the person himself or via another person and/or entity.

1.1.2.3. Disclosing inside information to any person and/or entity, with or without benefit, where the person knew or should have known that such disclosure might lead to the information being used for the purposes of betting, any form of manipulation of cycling events or any other corrupt purposes.

1.1.2.4. Giving and/or receiving a benefit for the provision of inside information regardless of whether any inside information is provided.

1.2. Obligation to report

1.2.1. Any person bound to the Code has the obligation to report, at the first available opportunity, any approach or invitation received to engage in conduct that could amount to a violation of forbidden conduct.

1.2.2. Any person bound by the Code also has the obligation to report, at the first available opportunity of any approach or invitation to engage in conduct that could amount to a violation of forbidden conduct received by a third person and that s/he is aware of or should reasonably be aware of.

1.3. Obligation to cooperate

1.3.1. In accordance with the general rules the Code, all persons bound by the Code shall comply with any and all requests for information and/or documentation by the CAB, an Ethics Review Panel or Disciplinary Panel.

1.3.2. The information and/ or documentation requested can include but is not limited to information and/or documents related to betting account numbers and information, itemized telephone bills, bank statements, internet service records,

computers, hard drives and other electronic storage devices.

1.4. Substantial assistance

- 1.4.1. Substantial assistance provided by a party to proceedings that results in the discovery or establishment of an offence by another person may reduce any sanction that the CAB, Ethics Review Panel or Disciplinary Panel according to this code may be called to apply against the party who provided such assistance.

2. Anti-Doping

Persons bound by the Code shall refrain from any action promoting, facilitating, associating with, or otherwise supporting behavior or actions that contravene the provisions and the spirit of the UCI Anti-Doping Rules. For the avoidance of doubt, the application of the Code shall be subsidiary to that of the UCI Anti-Doping Rules in respect of any person bound thereto.

Article 9: GOOD GOVERNANCE PERTAINING TO RESOURCES

1. UCI and continental confederation resources

The resources of CyclingSA and its members may only be used for the benefit of cycling in accordance with their respective statutes. In particular, persons bound by the Code are prohibited from misappropriating the CyclingSA and its members assets regardless of whether actions are carried out directly or indirectly through third persons.

2. Support from UCI, continental confederations, and CyclingSA

Any support from the UCI, continental confederations, CyclingSA or its members to any person or entity bound by the Code, whether financial, material, or of any other nature, shall be utilized in strict compliance with the purpose for which it was granted. The UCI or the continental confederation shall be entitled to request from the recipient the production of any appropriate evidence regarding the use of the resources. Moreover, the recipient shall clearly demonstrate the use and purpose of the resources if requested.

Article 10: RULES PERTAINING TO RELATIONS WITH THIRD PARTIES

1. Partners

The persons bound by the Code shall undertake dealings, negotiations, and decisions regarding relationships with partners, such as broadcasters, sponsors, suppliers and other supporters of cycling in compliance with the rules laid down in the present Code and without being influenced in any manner or accepting any kind of interference.

2. Candidatures for UCI and CyclingSA events

All persons bound by the Code shall in all dealings respect the rules applicable to the bidding and selection processes for organizers of UCI and CyclingSA competitions and events. The applicants wishing to organize UCI or CyclingSA events shall respect the provisions of the Code in their entirety as well as all other applicable rules.

2.1. Bidding information

The applicant's bidding material shall be complete and absolutely truthful. Moreover, the information shall not include comparisons of other bids and shall not insult, denigrate, or demean other applicants or organizers of UCI or CyclingSA events.

2.2. Lobbying

Applicants shall refrain from approaching any person, party, or third authority, with a view to obtaining any financial, political, or de facto support inconsistent with the provisions of the Code and regulations relating to the relevant bidding process.

Article 11: RULES PERTAINING TO ELECTIONS AND CANDIDATURES FOR EXECUTIVE POSITIONS

In the context of election processes, the persons bound by the Code shall act with integrity and not make use of any illegitimate means that could potentially influence the outcome of the election.

Persons bound by the Code shall not provide any financial, material, or in-kind assistance to a candidate outside of the scope of their usual tasks.

Candidates shall not accept any such assistance from persons bound by the Code or from a UCI / CyclingSA partner, sponsor, organizers of cycling competitions or any other third party with a direct interest in cycling.

Candidates in an election shall conduct themselves in a manner consistent with universal principles of fairness and good faith. They shall not insult, denigrate, or demean any other candidate.

CHAPTER 3: TERMS OF REFERENCE

Article 12: FUNCTIONING OF THE COMPLIANCE AND ADVISORY BOARD (the CAB)

1. As per the Constitution of Cycling SA, the CAB:

- 1.1. Is an independent and separate group of legal, commercial, and financial experts advising the Executive Board.
- 1.2. Shall oversee, advise, and ensure compliance through the appointment of independent panels.
- 1.3. Shall be recognized and accepted by all members, affiliates and associates of Cycling SA as an authority which may adjudicate, arbitrate or represent on those matters pertaining to the interpretation, application, amendment, enforcement and development of the Constitution, rules and regulations and other policies of Cycling SA, the UCI, CAC, SASCOC and DSAC.

- 1.4. Has primary function to ensure corporate governance and compliance with legislation, statutes, rules, regulations, and policies relating to the sport of cycling and always act with complete honesty, credibility, impartiality, integrity and be transparent in all their deliberations.
- 1.5. Shall be independent, but its responsibilities and functions shall still require it to be governed by the UCI and CyclingSA Regulations, codes of conduct or ethics and National Legislation.
- 1.6. Oversee all ethical matters of and relating to the members of CyclingSA, the General Assembly, the Executive Board, the Management Committee, and any other Structure of CyclingSA.
- 1.7. Ensure that a Code of Conduct and ethics for individuals or business shall be maintained.
- 1.8. Review declaration of real or perceived conflicts of interest either declared or concealed and work closely with the Secretary-General to ensure that disclosure policies are updated as needed.
- 1.9. Oversee a process of allowing disclosure of information or whistleblowing through a policy allowing confidentiality or anonymous reporting.

2. The CAB shall have the power to:

- 2.1. Address any question submitted to it relating to potential conflicts of interests regarding representative and executive members of CyclingSA Executive Board, its Committees, a Commission, or appointed panel.
- 2.2. Examine cases reviewed by a panel, commission or committee and may adjudicate disputes in this regard where it may render decisions ranging from a reprimand to a ban from exercising the activity caused by the relevant conflict of interest or contravention from any code of conduct, rules and regulations of the UCI or CyclingSA, or this code.
- 2.3. Except in the event where a case in contravention with South African legislation, any such decision rendered through the power of the CAB may be appealed before the Court of Arbitration for Sport, Lausanne, Switzerland.

3. The CAB may be called upon to assist in overseeing elections and voting inclusive of:

- 3.1. Scrutinizing the candidatures prior to the election of the CyclingSA President and the Cycling SA Executive Board. The CAB, or if so determined, an Ethics Review Panel shall be provided with the applicants' files in order to verify their compliance with the applicable requirements.
- 3.2. Address any question submitted to it relating to potential conflicts of interests regarding members nominated.

- 3.3. Appointing a member of the CAB to be present as an observer of any electoral general assembly or to be included by the Secretary General of CyclingSA as part of the process. If such members appointed with the responsibility to scrutinize the votes at elective and elective General Assembly, observes the existence of an irregularity regarding the vote, it shall report to the CAB the procedural flaw potentially affecting the regularity of the vote being ascertained and shall determine whether the vote shall be cancelled and re-held.
- 3.4. Any decision of the CAB or and Ethics Review Panel rejecting an application may be appealed before the Court of Arbitration for Sport.

4. Provide an Annual Report to the CyclingSA General Assembly

The CAB shall submit a yearly report on its activities pertaining to ethical matters to the General Assembly at the CyclingSA Annual General Meeting. Such report shall include all asserted violations of the present Code. The duty to report asserted violations can be withheld or redacted, as appropriate, regarding the cases it deals with, in consideration of personal rights of persons involved and/or to preserve confidentiality of the information.

Article 13: FUNCTIONING OF THE ETHICS REVIEW PANEL

1. Appointment of an Ethics Review Panel

- 1.1. The CAB as an independent board shall ensure that the composition of any Ethics Review Panel (hereinafter: The Panel), shall function in an independent manner.
- 1.2. The Panel shall be made up of three members bearing recognized competence in the domain of sports and/or law and ethics.
- 1.3. A member of CAB may be appointed as the chairperson of such a Panel, but the CAB may also decide to name any other panel member to act as chairperson of the panel.
- 1.4. In addition, the composition of the Panel shall have a minimum representation of one person per gender.

2. Independence, impartiality, and challenge

- 2.1. The members of the panel shall be fully impartial and independent from any of the persons concerned.
- 2.2. A member of the panel shall immediately disclose any circumstance which may affect his/ her independence and impartiality with respect to any of the persons concerned.
- 2.3. Any challenge of a member of the panel shall be sent to the Chairperson of CAB within 7 days after the grounds for challenge become known or should reasonably have become known to the challenging person.

- 2.4. Any such challenge shall indicate the grounds of the challenge and include all relevant facts and supporting documents.
- 2.5. Any application to challenge a member of the panel shall be decided by the other members of the CAB, after the challenged member has been invited to submit written comments.
- 2.6. A majority of the members of the CAB is required to reject a challenge. The decision on the challenge is final and is not subject to appeal.

3. Principles of functioning of the Ethics Review Panel

- 3.1. The panel shall be fully independent from the UCI, continental confederations, the national federations and any of its members or stakeholders.
- 3.2. The members of the Panel and the Chairperson shall ensure that all information disclosed to them during the course of their duty remains confidential, in particular, facts of a case, contents of investigations and deliberations and decisions taken as well as private personal data. Moreover, the members of the Ethics Commission shall not make any public declarations regarding ongoing proceedings.
- 3.3. Within the scope of its mission, neither the members of the Panel, the Chairperson nor CyclingSA shall be liable for any action or omission in connection with proceedings conducted under the Code, unless the actions or omissions are proven to constitute intentional wrongdoings, gross negligence or any liability which cannot be excluded by South African Law.

4. Duties and task of the Ethics Review Panel

The Ethics Review Panel is vested with the following duties and tasks:

- 4.1. Surveillance and investigation:
 - 4.1.1. to ensure that the present Code is respected.
 - 4.1.2. to investigate complaints and denunciations regarding violations of the rules of the Code.
 - 4.1.3. to investigate potential breaches of the Code and other policies of CyclingSA on its own initiative and ex officio.
- 4.2. Assistance, education, and counselling
 - 4.2.1. to give advice and assistance on ethical matters, particularly as regards the application of the Code.
 - 4.2.2. to set out measures for the application of the Code and the general principles of

ethics and governance.

- 4.2.3. to put forward proposals aimed at raising knowledge and awareness in respect of ethical matters.

4.3. Recommendations and reporting

- 4.3.1. to recommend measures to be taken by CyclingSA and any of its bodies in relation to breaches of the Code or otherwise.
- 4.3.2. to recommend the transmission of information and/or documentation in the CyclingSA's possession to external governing bodies or state authorities.
- 4.3.3. to recommend the imposition of sanctions by the CAB where applicable.
- 4.3.4. to report to the CAB and General Assembly on its activity until such review had been completed.

4.4. Adjudication

- 4.4.1. to render decisions and make recommendation in relation to disputes regarding potential conflicts of interests, ethical matters, including integrity.
- 4.4.2. to render decisions in relation to breaches of the Code and other policies related to ethical matters, and if applicable, recommend reprimands.
- 4.4.3. to issue a reprimand as may be applicable or make recommendation to the CAB for sanctioning and / or disciplinary procedures.

CHAPTER 4: RULES OF PROCEDURES

See addendum A for procedural flowchart.

Article 14: RIGHT TO COMPLAIN AND RIGHT TO BE A PARTY

Any person may address a complaint or report an alleged breach of the Code to the CAB, either directly to the Chairperson or through the Secretary General of CyclingSA.

The Chairperson shall acknowledge receipt of the complaint or denunciation, although the person submitting the file shall have no entitlement for proceedings to be opened, to be a party to proceedings or to be informed of any decision passed.

The Panel will have free discretion to consult this person or any other person and request his participation in proceedings. Only the persons who are alleged to have committed a violation of the provisions of the Code and against whom proceedings have been initiated shall be considered as parties before the CAB or any Ethical Review Panel.

Article 15: OBLIGATION TO COLLABORATE

1. General obligations

At the request of the CAB or Panel, the persons bound by the Code are obliged to contribute to establishing the facts of the case and, especially, to provide written or oral information as witnesses as well as evidence at their disposal or which can reasonably be obtained. Witnesses are obliged to tell the truth and to answer the questions put to them to the best of their knowledge and judgement.

2. Parties

Parties to proceedings before the CAB or Panel are obliged to collaborate in establishing facts and shall, in particular, comply with requests for information and production of evidence.

3. Non-compliance and / or obstruction

Any non-compliance to collaborate or any obstruction to an investigation carried out, including concealing, tampering with, destroying of any documentation or unduly delaying the production of information and/or documentation that may be relevant to the investigation shall be considered a violation of the present Code.

Article 16: RIGHT TO BE HEARD

The parties shall be granted the right to be heard, the right to present evidence, the right for evidence leading to a decision to be inspected, the right to access files and the right to a reasoned decision in case a sanction should be imposed.

Article 17: REPRESENTATION

Any party may be represented by a counsel of his choice. Any cost related to his representation before the Ethics Commission shall be borne by the party concerned.

Article 18: LANGUAGES

The working languages CyclingSA, the CAB and any panel is English. Only complaints or denunciations remitted in this working language shall be taken into consideration. All proceedings shall be conducted in English. Parties introducing documents in other languages shall bear all costs related to the translation of such documents as well as oral statements.

Article 19: REQUISITES FOR A COMPLAINT OR DENUNCIATION

1. Form and address

Matters shall be brought before the CAB and its appointed panel in writing and addressed to the Chairperson as appointed or the Secretary General of CyclingSA. Notifications shall only be considered if sent to the email address of the Chairperson or Secretary General published on the CyclingSA website.

2. Content and information

2.1. The complaint or denunciation regarding a potential breach of the Code shall include the following information:

- Name and surname of the sender.
- Full contact details of the sender.
- Name and surname of the person(s) concerned by the alleged violation.
- The facts of the matter referred.
- Any and all evidence in the sender's possession.
- Provision(s) of the Code potentially breached.
- Signature of the sender.

2.2. Upon request and/or if the circumstances so require, the sender of the complaint or denunciation shall have a right for his/her personal information as well as the personal information of the victim of the alleged violation of the Code, if any, not to be disclosed to the parties. In particular pertaining to allegations of breaches of the rules of conduct laid down in this Code, CAB shall consider the particularly sensitive nature of such cases when deciding appropriateness of not disclosing the personal information of the persons concerned.

Article 20: REGISTRATION

Upon receipt of a complaint or denunciation, or upon request from the CAB or Secretary General, the Chairperson will register a file and shall inform the CyclingSA President of the registration of a file.

Should the file concern the CyclingSA President directly, such information shall be provided to the members of the Executive Board of CyclingSA.

Upon receipt of the file, the CAB Chairperson shall proceed to a prima facie examination of the case and determine whether there is any indication that a breach of the Code may have been committed and may request additional information and documentation from the sender of the complaint or denunciation or any person bound by the Code.

If the complaint or denunciation is deemed to be manifestly groundless, the Chairperson shall decide not to initiate proceedings. In any other case, the decision to initiate proceedings or not shall be made by the members of the CAB.

Should a decision be reached that a case will not be initiated, and appeal may be addressed to the Court of Arbitration for Sport.

Article 21: INITIATION OF PROCEEDINGS

1. Constitution of Panel

After deciding on the initiation of proceedings, the Chairperson of the CAB shall proceed to constitute the Ethics Review Panel that shall deal with the case as per part of Article 13 of this code.

In exceptional cases, upon such request of the Chairperson of CAB, and agreement of a majority of its members, the Ethics Review Panel shall sit in a plenary formation.

2. Notification to parties

Upon registration of a file and constitution of the panel, the Chairperson of Panel shall inform all parties of the case and provide them with a copy of the file.

Article 22: CONDUCT OF PROCEEDINGS

1. Investigation

- 1.1. The Chairperson of the panel shall lead the procedure and give appropriate instructions with a view to constituting a full and comprehensive file.
- 1.2. The investigation shall be conducted by means of written inquiries and written or oral questioning of the parties, witnesses, and any other person.
- 1.3. Any further investigative measures relevant to the case may also be taken, as deemed appropriate.
- 1.4. The panel may, on its own initiative or at the request of a party, summon all persons and parties concerned to attend a hearing.
- 1.5. Unless otherwise decided by the panel, hearings shall take place by videoconference.
- 1.6. The parties shall be responsible for the appearance at the hearing of any witness or expert they request to be heard and shall cover all costs and expenses associated with their appearance.
- 1.7. In case of absence of any person summoned to appear, the panel may proceed and close the investigation phase.

2. Evidence

- 2.1. As a general rule, the panel may take into consideration any kind of evidence deemed appropriate.
- 2.2. The panel shall determine the admissibility, relevance, materiality, and weight of evidence at its discretion.

3. Witnesses

The panel shall take all required measures in order to safeguard the interests and personal rights of witnesses and, if necessary, ensure they remain unidentified.

Article 23: CONCLUSION OF PROCEEDINGS

Once the panel considers the file to be complete or that all available investigation measures have been taken, the panel shall close the investigation phase and the Secretary General shall inform the parties accordingly.

Article 24: REOPENING OF A CASE

CAB may reopen a case at its own discretion.

Article 25: DELIBERATIONS

Upon conclusion of the investigation, the panel shall deliberate and determine, if any, which of the sanctions should be imposed and make recommendation to the CAB.

Article 26: DECISIONS OF THE ETHICS REVIEW PANEL

1. Content

Whenever the panel concludes that no sanction should be imposed or that a reprimand should be imposed, the panel shall render the decision. Any decision rendered by the Ethics Review Panel shall contain:

- the names of the members of the panel.
- the names of the parties.
- a summary of the relevant facts.
- an account of the procedure followed.
- the decision on jurisdiction.
- the provisions or a reference to the provisions on which the decision is based.
- the reasons of the decision.
- a notice indicating the possibility to file an appeal before the Court of Arbitration for Sport and the relevant time limit.

2. Appeal

Any decision of the Ethics Review Panel imposing a reprimand may be appealed before the Court of Arbitration for Sport.

3. Publication

CyclingSA may publish either the full version or a summary of the decision rendered by the Ethics Review Panel on the CyclingSA website.

Article 27: PROCEDURAL COSTS

As a general rule, for matters decided by the panel, the costs and expenses of the CAB or the panel shall be borne by the CyclingSA. The CAB may nevertheless order a party found to have acted in breach of the Code to pay a contribution towards its costs. For matters referred to a Disciplinary Panel, costs shall apply as outlined below.

Article 28: REFERRAL TO CAB OR A DISCIPLINARY PANEL

1. Matters referred for disciplinary review

- 1.1. In respect of matters for which an Ethics Review Panel is not exclusively competent to adjudicate and the panel concludes that a more severe sanction than a reprimand should be imposed, the panel shall refer the matter to CAB to adjudicate or establish a Disciplinary Panel for adjudication.
- 1.2. The ethics review panel shall establish a final report on its proceedings and submit it to the CAB. The final report shall contain:
 - a full report of the facts
 - a reference to pertinent evidence
 - an account of the procedure followed
 - the provisions or a reference to the provisions that are deemed to have been violated
 - the range of sanctions deemed appropriate.
- 1.3. In addition to the final report, the entire file shall be made available to the CAB and a Disciplinary Panel.

2. Proceedings of the CAB to take Disciplinary Action

Upon receipt of the final report and consultation of the Ethics Review Panel file, the Chairman of the CAB shall initiate disciplinary proceedings against the persons concerned, in accordance with the Rules of Procedure of Chapter XII of the UCI Cycling Regulations.

In the event that provisions contained hereunder are contrary to the Rules of Procedure contained in Chapter XII of the UCI Cycling Regulations, the provisions hereunder shall prevail.

Article 29: SPECIFIC PROCEDURAL RULES FOR DISCIPLINARY REVIEWS

1. Convening a Disciplinary Panel

- 1.1. Any matter referred to the CAB for Disciplinary Action by the Ethics Review Panel shall be heard by a panel of three members designated by the Chairman of the CAB. The members of the panel shall consist of members of the CAB or any member as appointed as an independent by the CAB.
- 1.2. No member of the Disciplinary Panel shall have a direct or indirect interest in the matter and shall ask to be replaced.
- 1.3. The CAB shall appoint or agree on a chairperson for the Disciplinary Panel.

2. Conduct of Disciplinary proceedings

- 2.1. The Chairman of the panel shall lead the procedure.
- 2.2. In consideration of the file constituted by the Ethics Review Panel, the Disciplinary Panel shall determine which further measures are necessary.
- 2.3. In all cases, the party shall be provided with the final report of the Ethics Review Panel and invited to submit his / her answer containing a statement of defense, any defense of lack of jurisdiction and any evidence on which s/he intends to rely.

3. Hearing

The Disciplinary Panel may, at its own initiative or at the request of a party, summon the parties to attend a hearing.

4. Sanctions

In relation to breaches of the Code, the Disciplinary Panel may impose the following sanctions:

- Reprimand,
- fine up to a maximum of CHF 1'000'000 (as stipulated by the UCI),
- return of awards,
- withdrawal of title,
- suspension,
- ban from taking part in a specific cycling-related activity, event or meeting organized by the UCI or any of its affiliates,
- ban from taking part in any cycling-related activity organized by the UCI and its affiliates.

5. Notification of the decision

A copy of the decision rendered by the Disciplinary Panel shall be sent to the party as well as to the Chairperson of the CAB and Secretary General of Cycling SA.

6. Appeal

Any decision by which the Disciplinary Panel imposes a sanction may be appealed before the Court of Arbitration for Sport.

7. Disciplinary Panel Procedural costs

- 7.1. The procedural costs are made up of the costs and expenses of the investigation and disciplinary proceedings.
- 7.2. Procedural costs shall be borne by the party that has been sanctioned. If more than one party is sanctioned, the procedural costs shall be assessed proportionally in accordance with the degree of guilt of the parties.
- 7.3. Part of the procedural costs, in particular the costs of the investigation proceedings, may be borne by CyclingSA, as appropriate in respect of the imposition of sanctions.
- 7.4. The procedural costs may be reduced or waived in exceptional circumstances, in particular considering the party's financial circumstances.

CHAPTER 5: FINAL PROVISIONS

Article 30: ENFORCEMENT

The Code applies to infractions committed by a person falling in the categories of Article 1 now the infraction is committed.

The present Code was adopted by the General Assembly on 20 February 2021 and came into force on 1 April 2021.

ADDENDUM A: PROCEDURAL FLOW CHART

All sections of this policy need to be read in conjunction with this flowchart.

