

Setting A New Ethical Standard in Pro Cycling

The Problem: Professional cycling has never adopted a formal set of ethical standards for its riders, teams or governing officials. There has been no standard for responsible and ethical behavior – no training, guidelines or expectations that people should do the right thing, even when “no one is looking.”

Cycling has instead always relied on the strength of its rules and regulations – and prescribed punishments for violating them – to guide the behavior of its participants, and to keep the sport from breaking down. But after more than a century of a continuous cheating, a thoroughly entrenched culture of doping, and too many scandals to count, one could argue that the UCI’s rules and regulations have devolved into nothing more than strongly worded suggestions. Individuals with the right finances, advisers, and influence in cycling have allegedly been able to chart their own path.

This deep-rooted legacy leaves today’s Cycling Independent Reform Commission (CIRC) at a real disadvantage. The Commission is well-intentioned and hopefully it will be successful, but it faces an uphill battle if it is to truly uproot the unethical behavior patterns of the past. Cycling has simply seen too many examples where riders, teams, or support personnel have been able to exploit the situation and find gaps between the rules in order to gain unfair advantages.

Worse, there have even been examples where the governance structure itself has apparently fallen into that gray area where “turning a blind-eye” and actual collusion with the doping culture start to converge – accusations which have gathered momentum since the Armstrong era house of cards has collapsed. But, on the positive side, the CIRC process is at least stirring up a renewed and productive debate about the role of ethics in the sport.

There is really no precedent for formal ethics programs anywhere in professional sports. There are codes of conduct and personal/professional behavior in the NBA, NFL, many professional European football leagues, and MLB, but these generally deal with relatively marginal issues such as being civil in mandatory post-game press conferences, not using foul language, or not engaging in direct personal violence on the playing field. And these codes of conduct have obviously not stopped episodes of doping or anti-social behavior; consider, for example, the sporting cases of Michael Vick, Alex Rodriguez, Ryan Braun, or farther back, Eric Cantona or Diego Maradona.

Instead of thinking in terms of true ethics, sports tend to speak in terms of the loosely defined ideals of sportsmanship. Helping someone up after a hard foul in basketball? Shaking hands with the losing team at the end of a game? Across a variety of playing fields, these types of actions imply that things are fair and honorable among those playing the game. But when the underlying model tacitly encourages cheating, criminal behavior and doping, or even fosters an environment where such practices are critical for success, then public perception of the game is compromised. In this context, some of cycling’s most appealing images of fair play and sportsmanship – such as Tyler Hamilton signaling the lead group to wait for the yellow jersey after a crash in the 2003 Tour de France stage to Luz Ardiden – only camouflage the true, two-tier situation in the sport: yes, we are all dopers and cheaters, but the peloton will do the

honorable thing and wait for the fallen yellow jersey.

Historically, pro cycling has encouraged riders to be aware of the rules, but following the rules has never been sufficiently reinforced. Instead, an unspoken system of “shadow” rules evolved – a double standard that has led to an ethical breakdown, and in turn has encouraged individuals to exploit the limits of the rules to their own advantage. For example, blood transfusion doping led to EPO, which led to the implementation of the 50% hematocrit limit. But this “rule” essentially gave every athlete a free pass to use EPO without consequence, provided they took precautions to stay below that threshold when tested. When the EPO test was ratified, medical oversight of these athletes refined the methods to navigate around the constraints, stay under 50% hematocrit *and* not test positive for EPO *or* a blood transfusion – methods which now also include blood substitutes and undetectable Xenon gas treatments.

This breakdown progressed so far that cycling’s prevailing culture retaliated against those who fell out of line with this unspoken interpretation of the rules. Said another way, the sport has pushed people out for not breaking the rules in the proper way – which might be defined as accepting punishment, staying silent, and returning to the sport in good graces. The UCI has even taken legal action against others to silence criticism. There are several, by now well-known, and sometimes overlapping categories of behaviors, excuses, and rule-breakers who have contributed to this ethics impasse:

“Just this one time” –The person using this excuse insists that he broke the rules “just one time,” even though he may have been operating outside the rules for years. This person, if not caught, may continue breaking the rules and may be successful because he doesn’t believe he is doing anything wrong *unless* someone catches him in the act. In essence, this rider says “I’m not really breaking the rules until that one time you catch me.” Or worse – and sometimes after a lifetime of success – some retired riders have been caught and trapped in a web of previous lies, drawing their entire careers into doubt.

Whether it’s Erik Zabel, crying crocodile tears to say he cheated for a brief period in 1996, and then later losing all credibility with the 1998 revelations of the French Senate investigation, or Stuart O’Grady’s post-retirement admission – this “just one time” excuse usually seems like a weak approach at best. Furthermore, whether it truly was “I just did it once” or “I just did it that one year,” it is a bit disingenuous to suggest that cheating once should really be considered something altogether different than cheating multiple times. And more often than not, one suspects that this is only a cover statement for “I only did it that one time I got caught.”

“Everyone else does it” –This is perhaps the most common or widespread excuse. The person sees everyone else in the business engaging in an illegal activity, and succeeding – and furthermore sees that no one is ever punished. So why not take the seemingly negligible risk and join the club? There is very little risk of being ratted out by your teammates or competitors, because that wouldn’t benefit anyone – from the top right on down. Think of Lance Armstrong’s by now well-known admonishment to Frankie Andreu that coming clean would only “hurt us all.” In an unbroken string, from Jacques Anquetil to Laurent Jalabert; Freddy Maertens to Johan Museeuw; Gastone Nencini to Danilo DiLuca; even Eddy Merckx was “popped” for amphetamines several times. Across eras, examples were set and many joined in

the breakdown.

“I had to do it just to survive” –Closely related to “everyone does it,” is this mantra – which perhaps comes the closest to being understandable or admissible. This person feels like he has to dope just to keep his place in the peloton, essentially bolstering his “skill set” so that he can remain employed in the industry. This person is the most trapped or caught up in the corruption – able to work but probably unable to do so without cheating. However, this group doesn’t see the irony in the fact that they are cheating others out of contracts by participating in the doping to begin with. There are hundreds of untold stories of talented up-and-comers who were denied the possibility of joining a professional team because of the actions of these types of riders, who did whatever they could to hold onto their spots on the roster.

“They made me do it” –This is the person who might not have otherwise broken the rules, but, given the choice between a clear conscience and remaining employed in the only field they’ve ever worked in, will yield to more direct coercion. Not really because everyone else does it, but because they are subtly, or less subtly pressured to do it by their own leadership. In cycling, the repercussions have unfortunately often been as strong from those who encourage breaking the rules, as from those who catch you breaking the rules. At least a couple of very successful team managers come to mind in this regard. This rider risks a more or less equivalent economic penalty whether he is run out of the sport by his own peers or team, or by the sport itself because of a positive test.

“Scorched earth whistleblowers” – Here, think of Floyd Landis, Jesus Manzano, Micula DeMatteis or Tyler Hamilton – people who succeeded in varying degrees in cycling’s screwed up ethics model, before being caught, chewed up and then spit out by pro cycling’s pervasive omerta. Manzano was nearly killed by his blood transfusion experiences. DeMatteis, despite never doping, was run out of the peloton for expressing his views. Hamilton remained committed to the sport, but could not stop himself from continuing to abuse PEDs. And Landis, burned to a crisp by the repercussions of being caught, was run out of the sport by the very people who encouraged and enabled his success to begin with.

But each of these individuals had a strong enough ethical grounding to eventually decide to retaliate against the structure which had forced their earlier unethical decisions. The “scorched earth” approach utilized by these whistleblowers is perhaps the truest expression of the ethical confrontation and impasse that cycling has created for itself. Here, the entrenched and supposed leaders of pro cycling find themselves at war – defending what they would like to think is right, against those who actually *are* right. Whistleblowers in the sporting arena, or in the financial and business world, are often ostracized because they have already participated in the system and profited from the corruption up to a point. But then, being pushed too far, or left with little choice, they acknowledge the errors of their ways and decide to take the ethical path of tearing down the system altogether.

One of the key problems here is that cycling, like many sports and many business organizations, has never developed a trusted independent body or reference point for the reporting unethical behavior. In fact, many of those riders who were exposed in USADA’s Reasoned Decision document and in other subsequent “tell all” books have said that the only

place to report unethical behavior was, in fact, to the very person enabling or encouraging that behavior – the person setting the expectation that this type of behavior was the “norm.” Imagine if Dave Zabriskie’s purported confession to Steve Johnson and USA Cycling (USAC) had been acted upon before the U.S. Postal conflagration started; could that have derailed the Postal doping machine in midstream?

This highlights the fundamental problem faced by the CIRC. Many people who were central to the corruption, who grew, improved and systematized doping practices in the sport, and who may have benefited the most from it, have very little incentive to step forward and testify. Nor do those who committed the perhaps lesser sin of looking the other way. Organizations like USAC have asked their membership to step forward and provide testimony. Perhaps in a show of strength to both encourage and force potential testimony, USADA may decide to reveal the redacted names from its landmark October, 2012 *Reasoned Decision* report to the CIRC (and may have already done so). But there is no agency or organization with the regulatory power or the moral authority to force those worst previous past offenders to the CIRC’s table.

With all of these different excuses and outcomes now in the public eye, and with the CIRC process underway, the sport now needs to turn its focus to the causes of the problem rather than the symptoms. Cycling must shift from enforcing its reactionary rules and approaches of the past, and concentrate on defining an ethics model that will set a new tone for change, reinforce a greater sense of integrity, and hold people accountable for their actions.

The Solution: In terms of its core definition, ethics means “a system of moral principles, and the code of conduct recognized in respect to a particular class of human actions or a particular group, culture, or profession.” Whereas “rules” are very specific parameters that define right from wrong, “ethics” define how people should behave and interpret the rules, even when they believe no one is watching. So, the key question is – how could a stronger ethics training program and individual ethical commitment be implemented in pro cycling, and how might it change the sport for the better?

Pro cycling could benefit from a review of how ethics programs are implemented and utilized in the industrial or business world, and should move toward adopting a similar program of its own. In professional business environments, ethics programs are employed to insure a foundation of high standards, and to manage or reduce a range of perceived risks. Many organizations – whether private companies, non-profit organizations or government agencies – follow comprehensive and evolving governing guidelines which establish fair competition, and provide protective measures to employees, management and customers alike. Some of these models hold executive leaders to higher standards of conduct, and open them up to severe legal repercussions if they fail to uphold the code. Management is hence strongly encouraged to lead by example. In many organizations, a failure to meet and comply with such standards of ethical conduct is usually punishable by suspension, demotion, or even termination.

Ethics training and certification is embedded in the culture of many large organizations by way of a general concept known as enterprise risk management. This approach de-emphasizes the single-minded “command and control” mindset of simply establishing rules and instilling the fear of getting caught if you break the rules. Instead, these programs seek to help the

employees define themselves and their behavior by trying to instill certain individual and group “values.” These values reinforce the rules, provide a context by which people understand and respect the rules, and encourage people to help each other to follow those rules in their daily activities.

The up-front investments for a continuous training and certification program like this may not be cheap, but they typically pay for themselves pretty quickly – with proven dividends in terms of risk avoidance. These dividends are observable both in employee behavior as well as in pure financial terms. History has shown – across a broad cross-section of industries and organizations – that fewer regulatory incidents and employee infractions mean less bad publicity, a reduction in the financial impact of customer problems or possible regulatory fines, better outcomes for clients or users and lower exposure to lawsuits from all sides.

But the real impact of a successful ethics program is how it changes values over time – not in purely economic measurements, but in terms of how people within an organization view and treat each other. Ethics programs empower employees to have a stake in policing themselves and each other by having a single, common understanding of the rules, the context of why the rules are in place, and in adopting best practices that reinforce the rules.

While this “risk management” strategy of reinforcing ethical behavior can vary from one organization to another, the fundamental components are generally similar, and typically consist of the following overall framework (expanded details appear at the end of this posting):

1. Define the ethical and/or compliance risks to the organization from the past, in the present, and what might happen in the future.
2. Prevent infractions by defining, and instilling, a culture that reinforces ethical behavior and changes values.
3. Put mechanisms in place to detect infractions, and reporting of ethical lapses, before they can impact operations.
4. Respond effectively and decisively to violations and any allegations of impropriety.
5. Make this ethics program a process of continuous improvement, and constantly look for and take advice on how to refine it in the future.

Professional cycling should create a task force on ethics to bring together experts in the field of business and organizational ethics, and take advice and counsel on how to build and implement a stronger system of ethics in cycling. This task force would work with riders, team owners, UCI and national federation representatives to first understand the problems and choices of the past, and then to develop a new framework of ethics and values for the sport. This first ever true code of ethics for cycling (and perhaps in *all* of professional sports) would be applicable at all levels – as relevant and formative to the development and behavior of new riders and juniors as it would be to the seasoned pro or masters competitor. In addition, an expanded and more comprehensive blueprint for ethical behavior would be developed for those at the higher management and oversight levels in the UCI and national federations.

This temporary task force should assimilate the emerging results of the CIRC, leveraging the revelations of that process to develop a longer-term ethics framework that can be expanded on

by the sport's leaders. This path may require some additional time, owing to the Commission's primary goal of repairing the sport; on the other hand, this path may also carry more clout because of on-going discoveries that may help shape the detail and breadth of the ethics model.

Regardless of how the sport addresses these alternative paths to the future, formal ethics training must be made mandatory for all professional riders, team management, medical, and executive leadership. Riders above a certain competitive level should not be allowed to compete until they successfully pass the training course. Team management should face even tougher suspension and fines for the same reason. And the higher-level executives in the regulatory and oversight agencies should be subject to the same consequences as they would be in other professional fields – including the specter of termination. These individuals guide the sport and, as mentioned, they must lead by example.

Supporting this institution of stronger ethics training in the sport, there must also be a change in the drug testing model and the interagency agreements that manage testing protocols across the sport. As we state in our **Roadmap** report, new working relationships should be forged between the sporting agencies (the UCI, the International Olympic Committee and the various national federations) to establish testing protocol and deterrents so strong that few athletes or officials would dare to cross the line.

The testing itself needs to be made completely independent from the UCI, and handed over to the World Anti-Doping Agency (WADA) or a third-party independent agency to be designated by WADA. The UCI should also propose an annual funding level and budget necessary to support the requisite testing activities – essentially contracting out these testing requirements to WADA via a professional services agreement. This would allow the UCI to refocus on the more critical issue of instituting a stronger ethics training and maintenance program within the sport.

Although the UCI and WADA have historically engaged in a public spat over who has authority to do what, the delegation of testing responsibilities to WADA seems to be moving forward, and indeed would only be in line with its original charter – to be the world's independent drug-testing agency for all sport. By facilitating this transition, cycling can finally escape the criticism that the “fox is guarding the henhouse.” It should be clear to all that the current model by which the UCI controls both the testing and punishment in a self-policing model is a glaring conflict of interest – and it must change.

Sporting ethics must start early and be reinforced often. This ethics training program must be adopted by the national Federations and be woven into the promotion and advancement system for all competitors. Junior riders should be exposed to the ethics training as part of their racing license application. Riders applying to move between categories must attest that they have read and will abide by the ethics of the Federation. Professionals should take a refresher course of the most current version of the training program every year. Coaches, soigneurs and medical staff will need to have an attestation every year to maintain certification. There will obviously be many administrative and implementation details to iron out, but other complex organizations have successfully made this change, and cycling can too. Incorporating ethics training as a backbone of the sport will undoubtedly have many other positive benefits.

Even given a reasonably successful outcome for the CIRC, if there is not a new foundation of ethics training and certification in the sport, pro cycling may continue to be plagued by corruption and protected by a continuing culture of omerta. The sport has an opportunity today to establish and enforce an ethics model that sets a high standard never before seen in pro sports. Indeed, pro cycling can become *the* example, rather than continuing to be made an “example of.” Specifying the expectations and setting the right tone early will pay off in the long run – across the whole sport. The corruptive influences of the past may finally start to be forced out and young riders will not have to face the same no-win decisions of the past.

In turn, the basic economic model of the sport will have a stronger foundation, because a cleaner public image will draw new fans to the sport. Sponsors will be more willing to risk their advertising money when there is less risk of negative publicity from doping scandals. New fans will expand revenue opportunities, and new team owners will consider investing in franchises. And new riders will be brought up through the development ranks without putting their health at risk, or have their health put at risk by others. The grounding of a strong ethics base can revitalize professional cycling. But this type of sweeping transformation can’t be accomplished by rule changes, or by self-admission alone. It has to be based upon creating a new culture of ethical behavior in the sport.

DISCLAIMER: *As with all postings on theouterline.com, our goal is simply to provide ideas and spur debate about what constitutes real change in professional cycling. If you have an opinion about how to repair and strengthen professional cycling, please contact us, and make your ideas or opinions heard.*

By Joe Harris and Steve Maxwell, April 28, 2014

A complete view of the proposed **enterprise risk management** model often contains the following elements, customized for the industry to which it is applied:

1. Define the ethical and/or compliance risks to the organization:
 1. What issues or behaviors have hurt us in the past?
 2. What issues are hurting us now?
 3. What could hurt us next year?
2. Prevent infractions by defining, and instilling, a culture that reinforces ethics:
 1. Establish a code of conduct— not a new set of rules, but something more like a charter to establish the fundamental framework, principles and values within an organization.
 2. Create a system of controls that can measure, and provide guidance to intervene, when ethical lapses can happen.
 1. Top-down approach: leadership must set the standard and lead the effort by example
 2. Interactive learning – leverage e-learning and group settings to teach

ethics – how to recognize moral impasses and resolve tough ethical decisions

3. Build a values system, rather than a simple set of rules and punishment.
4. Certification: recognize and ratify those who complete the ethics training, and reward those who uphold and demonstrate these values.
 1. All organization members must re-train and attest to the ethics program in every successive year
3. Put mechanisms in place to detect infractions, and for reporting of ethical lapses, before they can impact operations:
 1. One of the simplest and most effective mechanisms is the anonymous hotline; not staffed by regulators in the company, but staffed by neutral third-party mediators who can act quickly and effectively on the information, like an ombudsman.
4. Respond effectively and decisively to violations and any allegations of impropriety:
 1. Re-communicate the policies and ethics on a regular basis, to highlight the nature of the infractions, and how to prevent them.
5. Make this ethics program a process of continuous improvement.
 1. Constantly take feedback, advice, and observations from other professions to improve the ethics model.