

INDEPENDENT DISCIPLINARY PANEL
of UK ATHLETICS

In the matter of disciplinary proceedings

brought pursuant to the UK Athletics Disciplinary Rules and Procedures

UK ATHLETICS LIMITED ("UKA")

The Governing Body/UKA

- and -

JO ZAKRZEWSKI

The Respondent

THE DECISION
of THE DISCIPLINARY PANEL

[Summary Version]

1. By way of charge letter dated 7 July 2023, UKA brought charges against the Respondent, detailing breaches of the UKA Code of Conduct for Senior Athletes.
2. The charge relates to the events which occurred during the Manchester to Liverpool Ultra Event on 7 April 2023 (a 50-mile ultra-marathon). It is alleged that the Respondent took a lift in a car for part of the course, after which she continued to complete the course and accepted the trophy for the third woman to finish.
3. It is alleged that by reason of the above, that the Respondent committed misconduct in that she failed to comply with the Code of Conduct for Senior Athletes, in breach of paragraph 2.2.1 of the UKA Disciplinary Rules. In particular, it is alleged that she failed to:
 - 3.1. Participate within the rules of the sport, respect decisions of coaches and officials, and demonstrate respect towards fellow athletes.

- 3.2. Act ethically, professionally and with integrity, and take responsibility for her actions
4. UKA appointed the following members of a disciplinary panel (the "Panel" / "we" / "us") to adjudicate this case:

Clive Dobbin, Chair

Andy Battle, Panel member

Scott Murray, Panel member
5. The Disciplinary Panel convened via videoconference on Friday 6 October 2023 to deal with the case.
6. The following is a summary of the principal submissions provided to us. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case.
7. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means that the Panel would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.
8. The Governing Body and the Respondent are aware of the facts of this case. We do not propose to recount all the facts in the same manner or order as the parties have done in their submissions, except where necessary for the purpose of our decision.

Breaches

9. The basic substance of the allegation, namely that the Respondent completed part of the course by car and that she subsequently completed the course and collected a trophy for the third placed woman, is not contested by the Respondent. This was

confirmed in a letter to the Panel dated 28 September 2023 in which the Respondent confirmed:-

"As stated, I accept my actions on the day that I did travel in a car and then later completed the run, crossing the finish line and inappropriately receiving a medal and trophy, which I did not return immediately as I should have done"

10. However, the Respondent denied that she had breached the Code of Conduct for Senior Athletes in that there was ever any intention to cheat or conceal the fact that she had travelled in a car for part of the race. The Claimant accepts that she did not compete within the rules of the event, but denies that she sought to conceal the fact and denies that she acted without integrity, so denies that she showed disrespect to officials and/or other athletes.
11. In the interview that took place on 8 June 2023 the Respondent made the following points:-
 - 11.1. That she had told marshals that she had been in a friend's car and when they encouraged her to continue she said that she would be non-competitive. This was disputed in the statements obtained from the marshals. The evidence of the marshals was that the Respondent had explained that she was injured, and had talked about withdrawing from the race. However, the Respondent was persuaded to continue, and when doing so that this was on a competitive basis. The marshals also denied that the Respondent had informed that she had completed part of the course in a car. The Respondent was given an opportunity to cross-examine the marshals and contest their evidence, but chose not to do so.
 - 11.2. The Panel, in light of the evidence before it, concluded that the Respondent did not inform the marshals that she had been given a lift in the car, and that thereafter she continued the race on a competitive basis.
12. The Panel considered the evidence and the submissions of the parties. In particular the Panel considered the submission of the Respondent that she had not breached the

Code of Conduct for Senior Athletes in that she had never intended to cheat, and had not concealed the fact that she had travelled in a car. The Panel rejected this submission. This submission was contrary to the evidence of the marshals, evidence which the Respondent did not seek to challenge or contest, by way of cross-examination at the hearing. Further the Claimant had collected the trophy at the end of the race, something which she should have not done if she was completing the race on a non-competitive basis. She also did not seek to return the trophy in the week following the race. Even if she was suffering from brain fog on the day of the race, she had a week following the race to realise her actions and return the trophy, which she did not do.

13. Finally, she posted about the race on social media, and this did not disclose that she had completed the race on a non-competitive basis.
14. Therefore, the Panel concluded that the Respondent did seek to conceal that she had completed part of the race on a non-competitive basis, and that in accepting the third place trophy, and portraying that she had come third in the race, she had breached the Code of Conduct for Senior Athletes.
15. The Panel noted the Respondent's previous record in the sport, including as a team manager. The Respondent therefore should have raised the point at the time, or after the event. The Respondent only disclosed what had been done when challenged by the race organiser. The Respondent sought to defend this by claiming she was embarrassed, but ultimately she chose not to disclose what had happened rather than embarrass herself.
16. The Panel noted the mitigation put forward by the Respondent, as to her state of mind on the day. The Panel took this into account. Even if such conduct mitigated against the Respondent's behaviour on the day it did not explain or mitigate against her subsequent actions, in not seeking to return her trophy, and posting about the race on social media, and she had ample opportunity to remedy the situation which she failed to do.
17. The Panel noted the further mitigation put forward by the Respondent, including:-

- 17.1. That she has fully co-operated with the investigation;
- 17.2. That the events forming the substance of the charge is not representative of the Respondent or her values, and that she previously had a clear and impeccable record. The Respondent's previous record is not disputed by the Governing Body;
- 17.3. The Respondent has been subjected to a trial by social media;
- 17.4. That the Respondent had effectively been suspended, as she had been de-selected as an athlete and a team manager. The Panel rejected that this amounted to a suspension.

Sanction

18. The Governing Body sought the sanction of a suspension of a period between 6 and 12 months (on the basis that a suspension of 2 years would normally occur, but that they would accept a reduction to 6 to 12 months in light of the mitigation).
19. The Disciplinary Panel considered the allegations, and the evidence in support of them, together with the mitigation put forward by the Respondent. The Panel accepted this mitigation but also noted that there were aggravating factors. The Respondent was an experienced athlete, competing successfully at the highest level. She also acted as team manager for the international team. As such the Respondent had a responsibility to uphold the rules, and this made it even more serious that she breached them, and did not correct this either when finishing the race or thereafter. As such the Panel concluded that a suspension for 12 months was the appropriate sanction.
20. We, therefore, impose the following sanctions on the Respondent:-
 - 20.1. that the Respondent be barred from competition or from taking part in any event organised or run under the UKA Rules for Competition, or from representing Great Britain or any of its constituents in events organised in the UK or overseas, for a period of 12 months.
 - 20.2. that the Respondent be barred from coaching, officiating, and managing for a period of 12 months.

21. The Panel also observed that the Respondent had been unclear as to whether or not decisions as to selection amounted to a suspension. It is recommended that in future cases that this is made clear, and it is made clear to athletes whether they are suspended or not, and if they are not suspended that decisions relating to selection are entirely separate to the question of suspension.

22. Our decision is subject to right of appeal in accordance with applicable rules and regulations.

Signed...

Clive Dobbin

Clive Dobbin

Chair

For and on behalf of the Panel

9 October 2023