

CASE SUMMARY

Tampering violations occurred in Virginia Tech cross country

Additional Level III tampering violation processed in football

According to an agreement released by the Division I Committee on Infractions, tampering violations occurred in the Virginia Tech cross country program in 2024 when Ben Thomas, the director of track and field and cross country, coordinated with Timothy Sykes — former head cross country coach and assistant track and field distance coach at another Division I program — regarding possible transfers from Sykes' program before any of the student-athletes had entered the Transfer Portal. Sykes was subsequently hired as an assistant coach by Virginia Tech.

The enforcement staff, school, Thomas and Sykes agreed that Sykes had conversations with several of his then-current student-athletes about their interest in possibly transferring for competitive reasons. Those conversations took place before those student-athletes had been entered into the Transfer Portal. Sykes offered to help four of those student-athletes with transferring and said he would send transcripts to other schools for academic evaluations. He then provided the transcripts for the four student-athletes to Thomas, who sent three of them to Virginia Tech admissions staff for evaluation. Sykes did not send the transcripts to any other program.

Thomas then contacted Sykes to inform him that at least one student-athlete would be admissible and could receive a scholarship. That student-athlete subsequently transferred to Virginia Tech. Three months later, Virginia Tech officially hired Sykes as an assistant coach for distance and cross country.

Because the student-athlete had not been entered into the Transfer Portal at the time Thomas had her transcript evaluated and communicated with her through Sykes, a tampering violation occurred. She became ineligible when she subsequently transferred to Virginia Tech and competed in one contest prior to being reinstated.

Due to his personal involvement in the violations and as a result of a 2023 change to NCAA rules for head coach responsibility, Thomas is responsible for the violations in this case.

An additional Level III tampering violation occurred in the Virginia Tech football program in 2022, when a booster contacted a student-athlete who was enrolled at another school to discuss his possible transfer to Virginia Tech before the student-athlete had been entered into the Transfer Portal. The student-athlete ultimately transferred but not to Virginia Tech.

The violations were classified as Level II-Standard for Virginia Tech, Thomas and Sykes.

The following penalties apply:

- One year of probation.
- A fine of \$30,000, plus 1% of the cross country program budget.
- A suspension for Thomas from all athletically related duties for approximately 10% of the track and field regular season (already served by Thomas in Spring 2025).
- A suspension for Sykes from all athletically related duties for approximately 10% of the track and field regular season (already served by Sykes in Spring 2025).
- A three-week prohibition on all cross country program recruiting communications and off-campus recruiting during the 2025-26 academic year.
- A vacation of records in which the student-athlete competed while ineligible.
- A one-week prohibition from all football recruiting communications (served by the football program in 2025).
- Disassociation from the booster involved in the football tampering violation, including prohibiting attendance at two 2025 football home games and prohibiting donations to the Hokie Club for one year.

Members of the Committee on Infractions are drawn from the NCAA membership and public. The panel members who reviewed this case are:

- Kay Norton, president emerita of Northern Colorado, chair of the committee and chief hearing officer for the panel.
- Roderick Perry, former director of athletics at IUPUI.
- Steve Waterfield, director of athletics at Oakland.

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I. CASE SYNOPSIS

Cross Country Violations.

Virginia Polytechnic Institute and State University (Virginia Tech); Timothy Sykes (Sykes), then University of Akron (Akron) head cross country and assistant track and field distance coach and current Virginia Tech assistant coach for distance/cross country;² Ben Thomas (Thomas), director of track and field; and the NCAA enforcement staff agree with the violations and penalties detailed below.³

On July 2, 2024, a source contacted the enforcement staff regarding potential impermissible contact violations involving student-athletes in the Akron track and field program. Specifically, emails from Sykes to Thomas contained academic transcripts of Akron track and field student-athletes for the purpose of assessing their admissibility at Virginia Tech. On July 10, 2024, Virginia Tech officials contacted the enforcement staff because they were also notified of the possible violations. The institution shared that Thomas was promoted to director of track and field and cross country at Virginia Tech July 1, 2024, and was interested in hiring Sykes as an assistant coach.⁴ At that time, the institution and enforcement staff agreed that the institution would conduct preliminary interviews of Sykes and Thomas and report back to the staff.

Through the preliminary interviews, the institution learned that near the end of the spring 2024 outdoor track season, Sykes had conversations with several Akron student-athletes about their plans for the next academic year. At that time, several student-athletes reported that they were considering transferring from Akron to other institutions for competitive reasons. Around late May 2024, Sykes offered to help four student-athletes if they decided to transfer from Akron to another school. Additionally, Sykes offered to send transcripts to other institutions for academic evaluation of admissibility. Sykes then forwarded the transcripts of three student-athletes to Thomas, who provided them to Virginia Tech admissions staff to determine admissibility at Virginia Tech.

In September 2024, Virginia Tech administrators, outside counsel and the enforcement staff discussed the institution's internal investigation and next steps. The collaborative investigation

¹ In reviewing this agreement, the hearing panel made editorial revisions pursuant to NCAA Division I Committee on Infractions (COI) Internal Operating Procedure (IOP) 4-7-1-2. These modifications did not affect the substance of the agreement.

² Sykes began employment at Virginia Tech on August 14, 2024.

³ Due to the current landscape of collegiate athletics and in an effort to serve the best interests of the Association, the parties deviated from NCAA Bylaws 19.1 (Violation Structure), 19.12 (Penalties) and/or Figure 19-1 (Penalty Matrix). This discretion was based on the specific facts of this case and has no precedential value.

⁴ Sykes served as head cross country coach and assistant track and field coach at Akron for the 2022-23 and 2023-24 academic years

that followed resulted in interviews of four former Akron student-athletes who met with Sykes to discuss a possible transfer.

The interviews revealed that Sykes' discussions of transferring began in April 2024 prior to the conclusion of the track season. Despite offering to send transcripts to various institutions, Sykes only forwarded the student-athletes' transcripts to Virginia Tech to determine admissibility.⁵ In May 2024, Thomas communicated to Sykes that at least one student-athlete would be admissible and could receive athletics aid. Sykes shared that information with the student-athlete, who subsequently transferred to the institution.

Football Violation.

On November 30, 2022, the enforcement development staff received information regarding an impermissible contact of a football student-athlete (Student-Athlete 1) at another institution. Specifically, Student-Athlete 1 shared with his coaching staff screenshots of text messages he received from a representative of the institution's athletics interests. The text messages promoted opportunities with Virginia Tech. Student-Athlete 1 informed the representative of the institution's athletics interests that he was already enrolled at another institution. The representative of the institution's athletics interests sent an additional text message confirming he knew of Student-Athlete 1's status and wanted to discuss opportunities at Virginia Tech if Student-Athlete 1 was interested in transferring. Student-Athlete 1 was not in the transfer portal. Student-Athlete 1 did not transfer to Virginia Tech but subsequently transferred to another institution.

II. PARTIES' AGREEMENTS

A. Agreed-upon findings of fact, violations of NCAA legislation and violation levels.

1. [NCAA Division I Manual Bylaws 12.11.1, 13.1.1.3 and 13.1.2.1 (2023-24)] (Level II)

From May through June 2024, Thomas allowed and encouraged Sykes to communicate with one cross country student-athlete about her admissibility to, and eligibility to receive athletics aid from, Virginia Tech, which resulted in impermissible contact on behalf of Virginia Tech. Additionally, Sykes and Thomas exchanged transcripts for two other cross country student-athletes and discussed the possibility of them being eligible to transfer to Virginia Tech, which also resulted in a violation of NCAA recruiting legislation. Specifically, after conversations with the student-athletes regarding possibly transferring from Akron,

⁵ Sykes initially sent three transcripts to Thomas. Two weeks later, Sykes sent Thomas a transcript for the fourth student-athlete but commented that the student-athlete probably needed another semester at Akron. Thomas never forwarded the transcript to compliance or admissions and only sought an admissions/eligibility read for the first three student-athletes.

Sykes provided the student-athletes' transcripts to Thomas so Virginia Tech could conduct an academic evaluation. Further, Thomas communicated to Sykes that at least one student-athlete would be admissible and could receive athletics aid, and Sykes subsequently communicated that information to the student-athlete. At no time during these communications had Virginia Tech received authorization to do so through the notification of transfer process. As a result, one student-athlete participated in one competition while ineligible.

2. [NCAA Division I Manual Bylaw 11.1.1.1 (2023-24)] (Level II)

From May through June 2024, Thomas is responsible for the violations detailed in Agreed-Upon Findings of Fact No 1.

3. [NCAA Division I Manual Bylaws 13.1.1.3 and 13.1.2.1 (2022-23)] (Level III)

Between November 25 and 28, 2022, a representative of the institution's athletics interests sent three impermissible text messages to football Student-Athlete 1 who was not in the transfer portal.

B. Agreed-upon aggravating and mitigating factors.

Pursuant to NCAA Bylaw 19.10.3-(e), the parties agree that the aggravating and mitigating factors identified below are applicable.

The parties agree that this case should be properly resolved as Level II – Standard.⁶

1. Institution:

a. Aggravating factors. [NCAA Bylaw 19.12.3.1]

- (1) Multiple Level I and/or Level II violations for which the institution is responsible.
- (2) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct.
- (3) One or more violations caused ineligible competition.

⁶ As noted above, due to the current landscape of collegiate athletics and in an effort to serve the best interests of the Association, the parties deviated from Bylaws 19.1 (Violation Structure), 19.12 (Penalties) and/or Figure 19-1 (Penalty Matrix). This discretion was based on the specific facts of this case and has no precedential value.

(4) Involvement by a representative of the institution's athletics interests in violations.

b. Mitigating factors. [NCAA Bylaw 19.12.4.1]

(1) Affirmative steps to expedite final resolution of the matter, including timely submission of a negotiated resolution pursuant to Bylaw 19.10.

(2) An established history of self-reporting Level III or secondary violations (i.e., at minimum five violations per year for the previous five years).⁷

(3) The absence of prior conclusions of Level I, II or major violations within the past 10 years.

(4) Securing the meaningful cooperation of an individual who does not have an affirmative obligation to cooperate under Bylaw 19.2.1.

2. Involved Individual (Sykes):

a. Aggravating factors. [NCAA Bylaw 19.12.3.2]

(1) One or more violations caused ineligible competition.

(2) Conduct or circumstances demonstrating an abuse of a position of trust.

(3) Intentional, willful or blatant disregard for NCAA bylaws.

b. Mitigating factors. [NCAA Bylaw 19.12.4.2]

(1) Affirmative steps to expediate final resolution of the matter, including timely submission of a negotiated resolution pursuant to Bylaw 19.10.

(2) The absence of prior conclusions of Level I, Level II or major violations.

3. Involved Individual (Thomas):

a. Aggravating factors. [NCAA Bylaw 19.12.3.2]

(1) Multiple Level I and/or Level II violations.

⁷ The institution reported 62 Level III violations from 2019 to 2024, approximately 12 violations each year.

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- (2) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct.
 - (3) One or more violations caused ineligible competition.
 - (4) Involvement by a representative of the institution's athletics interests in violations.
- b. Mitigating factors. [NCAA Bylaw 19.12.4.2]
- (1) Affirmative steps to expedite final resolution of the matter, including timely submission of a negotiated resolution pursuant to Bylaw 19.10.
 - (2) The absence of prior conclusions of Level I, Level II or major violations.

III. OTHER VIOLATIONS OF NCAA LEGISLATION SUBSTANTIATED; NOT ALLEGED

None.

IV. REVIEW OF OTHER ISSUES

The enforcement staff considered whether a failure to monitor allegation related to the violations in Agreed-Upon Findings of Fact No. 1 was appropriate and ultimately determined that it was not. Interviews and emails demonstrated the institution's compliance staff properly advised Thomas that he could not have contact with the Akron student-athletes until they entered the transfer portal. Specifically, on May 28, 2024, Thomas emailed the institution's compliance office to inquire about the academic admissibility of the three student-athletes. In an email that same day, the institution's associate director of compliance responded that he would not provide an academic evaluation on transferable credits until the student-athletes entered the portal. This email was a follow-up to a phone call where Thomas assured compliance he had not had contact with the student-athletes. Compliance only provided a general overview of how many classes the prospective student athletes would need to pass for NCAA eligibility.

V. PARTIES' AGREED-UPON PENALTIES⁸

All penalties agreed upon in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties.

Pursuant to Bylaw 19.10.3-(e), the parties agree to the following penalties:

Core Penalties for Level II – Standard Violations (Bylaw 19.12.7)

1. One year of probation from **February 13, 2026, through February 12, 2027.**
2. Financial penalty: The institution shall pay \$30,000 plus 1% of the cross-country budget to the NCAA.
3. Suspension: Bylaw 19.12.7.5 and Figure 19-1 penalty guidelines contemplate suspensions. Therefore, the institution suspended Thomas from all athletic related duties for the April 27, 2025, Virginia High Performance meet. This suspension is approximately 10% of the regular season. The provisions of the suspension required Thomas not to travel with the team and not be present in the facility where the contest was played. The prohibition included all coaching activities for the period that began at 12:01 a.m. on the day of the contest and ended at 11:59 p.m. on the date of the contest. During that period Thomas was not permitted to participate in any coaching activities, including, but not limited to team travel, practice, video study, recruiting and team meetings. The institution did not utilize Bylaw 11.02.2.1 to replace Thomas on a temporary basis during the period of suspension. The result of the contest from which Thomas was suspended shall not count toward his career coaching record.
4. Suspension: Bylaw 19.12.7.5 and Figure 19-1 penalty guidelines contemplate suspensions. Therefore, the institution suspended Sykes from all athletic related duties for the May 6, 2025, Liberty Twilight meet. This suspension is approximately 10% of the regular season. The provisions of the suspension required Sykes not to travel with the team and not be present in the facility where the contest was played. The prohibition included all coaching activities for the period of time that began at 12:01 a.m. on the day of the contest and ended at 11:59 p.m. on the date of the contest. During that period Sykes was not permitted to participate in any coaching activities, including, but not limited to team travel, practice, video study, recruiting and team meetings. The institution did not utilize Bylaw 11.02.2.1 to replace Sykes on a temporary basis during the period of suspension. The result of

⁸ All penalties must be completed during the time periods identified in this decision. If completion of a penalty is impossible during the prescribed period, the institution shall make the NCAA Division I Committee on Infractions aware of the impossibility and must complete the penalty at the next available opportunity.

the contest from which Sykes was suspended shall not count toward his career coaching record.

5. Recruiting restrictions in the cross-country program: The institution shall prohibit the cross-country program from all recruiting communications and off-campus recruiting for three weeks during the 2025-26 academic year. The prohibition shall not take place during a dead period.

Additional Penalties for Level II – Standard Violations (Bylaw 19.12.9)

6. Public reprimand and censure through the release of the negotiated resolution agreement.
7. Vacation of team and individual records: Ineligible participation in the cross-country program during a September 24, 2024, meet occurred as a result of violations in this case. Therefore, pursuant to Bylaws 19.12.9-(g) and 31.2.2.3 and NCAA Division I Committee on Infractions Internal Operating Procedure 5-15-9, the institution shall vacate all regular season and conference tournament wins, records and participation in which the ineligible student-athlete competed from the time they became ineligible through the time they were reinstated as eligible for competition. Further, if the ineligible student-athlete participated in NCAA postseason competition at any time they were ineligible, the institution's participation in the postseason contests in which the ineligible competition occurred shall be vacated. The individual records of the ineligible student-athlete shall also be vacated. However, the individual finishes and any awards for all eligible student-athletes shall be retained. Further, the institution's records regarding the affected sport programs, as well as the records of the head coach, shall reflect the vacated records and be recorded in all publications in which such records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the affected head coach shall similarly reflect the vacated wins in his career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to the vacated records shall be removed from the athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in the affected sport programs shall be returned to the Association.

Finally, to aid in accurately reflecting all institutional and student-athlete vacations, statistics and records in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA media coordination and statistics office and appropriate

conference officials to identify the specific student-athlete and contest impacted by the penalties. In addition, the institution must provide the media coordination and statistics office with a written report detailing those discussions. This written report will be maintained in the permanent files of the media coordination and statistics office. The written report must be delivered to the office no later than 14 days following the release of this decision or, if the institution appeals the vacation penalty, at the conclusion of the appeals process. A copy of the written report shall also be delivered to the Office of the Committees on Infractions (OCOI) at the same time.

8. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for recruiting legislation.
 - b. Submit a preliminary report to the OCOI by **April 1, 2026**, setting forth a schedule for establishing this compliance and educational program.
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by **December 15th** during each year of probation. Particular emphasis shall be placed on rules education and monitoring related to recruiting.
 - d. Inform prospects in the cross-country program in writing that the institution is on probation for one year and detail the violations committed. If a prospect takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospect signs the institution's written offer of admission and/ or financial aid.
 - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision located on the athletics department's main website "landing page" and in the media guides for the cross-country. Permissible website posting locations include the main navigation menu or a sidebar menu. The link may not be housed under a drop-down menu. Further, the link to the posting (i.e., the icon or the text) must be titled "NCAA Infractions Case." With regard to the content of the posting, the institution's statement must: (1) clearly describe the infractions; (2) include the length of the probationary period associated with the case; and (3) give members of the general public a clear

indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.

9. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the Committee on Infractions affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

Additional Penalties for Level III violations (Bylaw 19.12.10)

10. Recruiting restrictions: The institution prohibited the football program from all recruiting communications for one week from November 9 through 15, 2025.
11. Disassociation: Virginia Tech disassociated the representative of the institution's athletics interests and the affiliated entity. The terms of the disassociation require the representative and affiliated entity to:
 - a. Forego making financial contributions to the Hokie Club for one year (period of probation).
 - b. Not attend two home football games during the 2025 season (completed).
 - c. Limit advertising to pre-printed program materials for two home football games in the 2025 season (completed). The affiliated entity was not permitted to display in-game advertising or videoboard/ribbon ads for those two games.
 - d. Accept letters of education concerning the violation.
 - e. Receive targeted NCAA compliance rules education.

VI. OTHER AGREEMENTS

The parties agree that this case will be processed through the NCAA negotiated resolution process as outlined in Bylaw 19.10, and a hearing panel comprised of members of the Committee on Infractions will review the negotiated resolution. The parties acknowledge that the negotiated resolution contains agreed-upon findings of fact of NCAA violations and agreed-upon aggravating and mitigating factors based on information available at this time. Nothing in this resolution precludes the enforcement staff from investigating additional information about potential rules violations. The parties agree that, pursuant to Bylaw 19.1.3, the violations identified in this agreement occurred and should be classified as Level II – Standard.

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If a hearing panel approves the negotiated resolution, the institution, Thomas and Sykes agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution, Thomas and Sykes acknowledge that they have or will impose and follow the penalties contained within the negotiated resolution, and these penalties are in accordance with those prescribed in Bylaws 19.12.7, 19.12.8, 19.12.9 and 19.12.10. The OCOI will monitor the penalties during their effective periods. Any action by the institution, Thomas or Sykes contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

The parties acknowledge that this negotiated resolution may be voidable by the Committee on Infractions if any of the parties were aware or become aware of information that materially alters the factual information on which this negotiated resolution is based.

The parties further acknowledge that the hearing panel, subsequent to its review of the negotiated resolution, may reject the negotiated resolution. Should the hearing panel reject the negotiated resolution, the parties understand that the hearing panel will issue instructions for processing of the case pursuant to hearing resolution (Bylaw 19.8) or limited resolution (Bylaw 19.9) and prior agreed-upon terms of the rejected negotiated resolution will not be binding.

Should a hearing panel approve the negotiated resolution, the parties agree that they waive NCAA hearing and appellate opportunities.

VII. DIVISION I COMMITTEE ON INFRACTIONS APPROVAL

Pursuant to NCAA Bylaw 19.10.1, the panel approves the parties' negotiated resolution agreement.⁹ The panel's review of this agreement is limited. Panels may only reject a negotiated resolution if the agreement is not in the best interests of the Association or if the agreed-upon penalties are manifestly unreasonable. *See* Bylaw 19.10.4. In this case, the panel determines the agreed-upon facts, violations, aggravating and mitigating factors, and classification are appropriate for this process. Further, the participating parties classified this case as Level II-Standard for all

⁹ The panel approved this agreement after a thorough discussion on several unique aspects of this case. Although they did not prevent the COI from approving the agreement, the resolution of these and similar issues may be important for future cases. As an initial matter, the parties appear to designate Sykes as a booster based on his employment at another institution and involvement in recruiting activity on behalf of Virginia Tech. The panel accepts that agreement but believes additional explanation regarding Sykes' apparent booster status would have been helpful for the panel and educational to the broader NCAA membership. The panel also observes that the penalties related to Thomas' conduct were lighter than expected. When evaluating the penalties in this case, the panel considered the timing of the case as well as the parties' exercise of discretion in deviating from the penalty guidelines. The panel is not indifferent to the membership's recent identification of tampering as a critical issue for Division I. The panel recognizes, however, that Virginia Tech proactively suspended both coaches involved in this case and likely agreed to the violations and penalties in this NR well before the recent emphasis on tampering. In light of these circumstances, and consistent with the highly deferential standard of review that governs the NR process, the panel approves the parties' agreement. In future cases, however, the COI will be mindful of the need to adequately address tampering violations by holding institutions and individuals accountable for their conduct consistent with the membership's penalty guidelines and other available penalties.

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parties. The agreed-upon penalties generally align with the ranges identified for core penalties for Level II-Standard cases in Figure 19-1 and Bylaw 19.12.7 and the additional penalties available under Bylaw 19.12.9. Where penalties do not align with these ranges, the parties have identified their exercise of discretion in deviating from the Figure 19-1 penalty guidelines. Pursuant to Bylaw 19.10.6, this negotiated resolution has no precedential value.

The COI advises the institution, Thomas and Sykes that they should take every precaution to ensure that they observe the terms of the penalties. The COI will monitor the institution while it is on probation to ensure compliance with the penalties and terms of probation and may extend the probationary period, among other action, if the institution does not comply or commits additional violations. Likewise, any action by the institution, Thomas or Sykes contrary to the terms of any of the penalties or any additional violations shall be considered grounds for prescribing more severe penalties and/or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Kay Norton, chief hearing officer

Roderick Perry

Steve Waterfield

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APPENDIX

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APPENDIX

**VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY'S CORRECTIVE
ACTIONS**

1. Virginia Tech has provided, and will continue to provide, specific rules education about the cross country scenario and the interplay of the transfer portal and transcript review to all sports personnel to ensure that similar infractions do not occur in the future.
2. Virginia Tech has provided, and will continue to provide, specific rules education about the football scenario and need to confirm contact information for student-athletes to all sports personnel and associated entities to ensure that similar infractions do not occur in the future.