



POLICY

Policy Name:	SOAP Communication Violations of the NRMP Match Participation Agreements: Reporting, Investigation, and Disposition (Applicant, Program, Sponsoring Institution, and Medical School)		
Affected Parties:	Applicants, Programs, Sponsoring Institutions, and Medical Schools		
Approval Authority:	Chief Executive Officer/ Board of Directors	Adopted:	June 2020
Responsible Office:	Match Policy	Contact:	policy@nrmp.org

1. Policy Statement

In order to protect the integrity of the matching process, the National Resident Matching Program®(NRMP) requires all Match participants to conduct themselves professionally, ethically, responsibly and in accordance with the terms of the Match Participation Agreement (MPA) during the matching process. The NRMP takes seriously all reports of alleged violations of the MPA. Applicants, school officials, program directors, institution officials, or any other person may report suspected violations.

The policy applies to the Supplemental Offer and Acceptance Program® (SOAP).

2. Reason for Policy

To provide guidance to applicants, school officials, program directors, institution officials, or any other person who may report suspected communication violations of the Match Participation Agreements during SOAP (Supplement Offer and Acceptance Program). To outline the general process of requirements and SOAP violation investigations. To state the sanctions that may be imposed upon a finding of violation.

3. Who Should Read This Policy

- NRMP Board of Directors
- All NRMP Staff
- Student and Resident Applicants
- Participating Program Directors and Program Staff (i.e., faculty, program coordinators, other medical staff personnel interacting with, or having authority over, graduate medical education)
- Participating Sponsoring Institutions
- Participating Medical Schools

4. Resources

- a) Office of Match Policy (policy@nrmp.org or 202-400-2235)
- b) Office of Match Operations (support@nrmp.org or 866-653-6767)
- c) NRMP Privacy Statement (<http://www.nrmp.org/privacy-policy/>)
- d) Match Agreement and Resources: Residency Applicants (<http://www.nrmp.org/residency-applicant-match-participation-agreement/>)
- e) Match Agreement and Resources: Medical Schools (<http://www.nrmp.org/medical-school-match-participation-agreement/>)
- f) Match Agreement and Resources: Programs and Institutions (<http://www.nrmp.org/program-inst-match-participation-agreement/>)

5. Definitions

- a) **Match Participant:** Any individual, program, institution, or medical school participating in a Match, either for residency or fellowship placement, in any Match year.
- b) **Match Participation Agreement (MPA):** Binding commitment by an applicant, program, sponsoring institution, and/or medical school to honor the outcome of the matching algorithm.
- c) **Review Panel:** Sub-committee of the Violations Review Committee/NRMP Board of Directors that reviews the investigation of all alleged violations and determines the disposition of the findings.
- d) **Sanction:** The imposition of a penalty based on the outcome of an investigation.
- e) **SOAP – Supplemental Offer and Acceptance Program:** The process whereby positions left unfilled after the matching algorithm has been processed are offered to eligible applicants.
- f) **Unauthorized Communication(s):** means any oral or written contact involving an applicant, program, medical school, or institution that is prohibited under SOAP
- g) **Violation:** An infringement of the rules as set forth in the policies and agreements for participants in the Match.

6. **The Policy**

It is the policy of the NRMP to investigate alleged **SOAP** breaches of the MPA. A breach may include but is not limited to: unauthorized communication(s) during **SOAP**.

To safeguard the integrity of the NRMP policy and procedures, absent an applicable legal requirement to the contrary, NRMP treats as confidential all communications and other information submitted, collected, or generated in connection with the investigation, including all information constituting or concerning any deliberations with respect thereto, except for such information that NRMP routinely provides to the parties under these Policies and Procedures or in the normal course of the matching process.

7. **Summary of SOAP Communication Rules**

SOAP communications rules are summarized here for convenience. For more detail about SOAP, see section 7.0 of the Match Participation Agreement for Applicants and Programs.

The SOAP policy addresses positions offered by unfilled programs and accepted by unmatched applicants during Match Week. Through the conclusion of SOAP on Thursday of Match Week, all positions offered by unfilled programs and accepted by eligible applicants shall be through the Match Week **Supplemental Offer and Acceptance Program (SOAP)**. After **SOAP** concludes on Thursday of Match Week, remaining unfilled positions may be filled outside the Match until registration opens in September for the following year's Match.

SOAP-eligible unmatched applicants:

- shall initiate contact with the directors of unfilled programs only through an ERAS application; and,
- shall refrain from any other contact until directors of unfilled programs initiate contact with them.

Other individuals or entities shall not initiate contact on behalf of any unmatched applicant prior to directors of unfilled programs initiating contact, regardless of the individual's role in an institution or school.

Directors of unfilled programs may communicate with each other but shall not initiate any contact with **SOAP**-eligible applicants prior to 3:00 p.m. eastern time on Monday of Match Week and prior to receiving an application through ERAS.

SOAP-ineligible unmatched applicants:

Unmatched applicants who are **SOAP**-ineligible and who elect to use ERAS may begin applying for positions in non-Match participating programs when ERAS opens at 12:00 p.m. eastern time on Monday of Match Week.

SOAP-ineligible applicants who elect not to use ERAS shall not contact or apply to non-Match participating programs prior to 3:00 p.m. eastern time on Monday of Match Week.

Unmatched applicants who are - **SOAP** ineligible shall not contact Match-participating programs until after **SOAP** concludes on Thursday of Match Week.

Directors of unfilled programs shall not initiate contact with any **SOAP**-ineligible applicants until after **SOAP** concludes on Thursday of Match Week.

A. Reporting of Suspected Violations

1. Reports of suspected violations must be communicated to the NRMP in written or electronic form. The NRMP will not act upon verbal or telephone reports of suspected violations. Reports of suspected violations must be sent in writing or via email to:

National Resident Matching Program
2121 K Street, N.W., Ste. 1000
Washington, D.C. 20037
EMAIL: policy@nrmp.org

2. Individuals reporting a suspected violation may request their identity remain confidential. Allegations of violations may also be reported anonymously.
3. The NRMP will acknowledge all written reports and verify their authenticity to the extent practicable.

B. Communication

Except as otherwise expressly provided for in this Policy, all communications from the NRMP to a Match participant shall be transmitted electronically to the email address designated by the participant at the time of registration in the Registration, Ranking, and Results® (R3) system or as updated by the participant in the **R3** system. Each Match participant is responsible for providing and updating the correct email address in the **R3** system. If requested, the NRMP shall communicate confirmed violations by U.S. mail.

C. Investigation Procedures

1. The NRMP will undertake an investigation of a suspected **SOAP** violation if there is sufficient credible information that a violation may have occurred.
2. The NRMP will notify the party or parties (applicant, program director, school official, or institution official, or any other person with knowledge of the incident) identified in the report of the suspected violation and that the allegations are under investigation and provide a Preliminary Report of the incident. The Preliminary Report will document the nature of the allegation and summarize information received. The parties will have ten business days to review and respond to the Preliminary Report and provide additional information.
3. The subject of the alleged violation may provide additional information and a description of the alleged incident in writing. Responses must be received within ten business days from the date of the NRMP's request unless otherwise specified in writing.
 - a. With respect to the subject(s) of the reported violation, if there is no response to an inquiry from the NRMP, the applicant, program, institution, or school (as the case may be) shall be presumed to have engaged in a wrongful act.

4. The NRMP will evaluate and/or further investigate the information it receives in the course of its investigation.
5. If the results of the investigation indicate that a violation has not occurred, the case will be closed, and all parties identified in the original report will be notified.
6. Upon receipt of the response(s) to the Preliminary Report, a revised report will be prepared for consideration by the Review Panel.
7. The Review Panel will determine whether, based on the information contained in the Preliminary Report and case file, a violation has occurred and, if so, the penalty to be imposed. A Review Panel Report will be issued communicating the Review Panel's conclusion and determination of penalty (sanctions).
 - a. If it is determined that no violation has occurred, the Review Panel Report will be reclassified as the Final Report, indicating that no violation was found, and it will be issued to all parties listed on the Report
 - b. If it is determined that a violation has occurred, the Review Panel Report will be sent to the subject(s) of the violation investigation.
8. The subject(s) may contest an adverse Review Panel Report in accordance with the procedures set forth in Section F.
 - a. If the subject(s) of the investigation contests the Review Panel decision, the NRMP shall note in the **R3** system that the subject of the investigation has a "pending action." The designation shall remain in place until the subject of the investigation has waived or exhausted the opportunity to contest the adverse action pursuant to Section E.
 - b. If the subject(s) of the investigation does not contest the Review Panel decision in accordance with the procedures specified below, the Review Panel Report will be reclassified as the Final Report and it will be issued to all parties listed on the Report, as well as to those parties specified in Section D. Unless otherwise determined by the Review Panel, the effective date of the Final Report will be the date that it is finalized for issuance to such parties.

D. Sanctions

1. Investigations confirming a **SOAP** violation of the MPA by an individual applicant:
 - a) Upon issuance of a Final Report, in addition to the applicant, copies of the report may be issued electronically to the following persons and entities as determined pertinent by the NRMP:
 - i. the person or entity who originally reported the violation
 - ii. any parties whom the NRMP has determined are relevant to its investigation
 - iii. the NRMP Executive Committee
 - b) Sanctions for a confirmed violation by an applicant include:
 - i. barred for one year from participating in SOAP; and,
 - ii. identified in the **R3** system as a SOAP violator, for one to three years or permanently
 - iii. additional sanctions may be levied as determined by a Review Panel

- iv. repeat violators of SOAP policies may be barred from the Match.
 - c) The NRMP has sole discretion to determine which of the sanctions described above shall be applied in the event an applicant violates this Agreement. Failure to comply with sanctions levied as a result of a confirmed violation that is final may result in a new investigation and imposition of new sanctions.
2. Investigations confirming a **SOAP** violation of the MPA by a program:
- a) Upon issuance of a Final Report, in addition to the program director electronically, copies of the report may be issued to the following persons and entities as determined pertinent by the NRMP:
 - i. the NRMP institution official for transmittal to the institution's graduate medical education committee
 - ii. the party who originally reported the violation
 - iii. any parties whom the NRMP has determined are relevant to its investigation
 - iv. the NRMP Executive Committee
 - b) Sanctions for a confirmed violation by a program include
 - i. designation in the **R3** system as a Match violator for one to three years or permanently
 - ii. additional sanctions may be levied as determined by a Review Panel
3. Investigations confirming a **SOAP** violation by a sponsoring institution:
- (a) Upon issuance of a Final Report, in addition to the institution official, copies of the report may be issued electronically to the following persons and entities as determined pertinent by the NRMP:
 - i. the party who originally reported the violation
 - ii. the NRMP Executive Committee
 - (b) Sanctions for a confirmed **SOAP** violation by an institution include

Being identified in the **R3** system as a Match violator to participating applicants and medical schools for one to three years or permanently, as determined by the NRMP
4. Investigations confirming a **SOAP** violation of the MPA by a medical school:
- (a) Upon issuance of a Final Report, in addition to the medical school official, copies of the report may be issued electronically to the following persons or entities as determined pertinent by the NRMP:
 - i. the dean of the medical school
 - ii. the dean of student affairs of the medical school
 - iii. the NRMP school official, if different from those listed above
 - iv. the party who reported the violation

- v. the NRMP Executive Committee

E. Contesting a Panel Review Report

Nothing in these Policies and Procedures shall prevent any party to an MPA from seeking arbitration to contest a Review Panel Report under the terms of such Agreement. If a party seeks arbitration to contest a Review Panel decision, the penalties imposed on and the distribution of the Review Panel Report will be suspended until the arbitration has concluded.

1. Any party seeking to contest a Review Panel decision must:
 - a) notify the NRMP in writing of the intent to seek arbitration within 10 business days from that party's receipt of the Panel's report; and,
 - b) must file a written demand for arbitration with the American Arbitration Association (AAA) within 30 calendar days of receipt of such report.
2. An application for arbitration must be submitted under the Commercial Rules of the AAA. Filing with the AAA is considered complete only when the demand for arbitration has been submitted to the AAA on the appropriate AAA form together with associated fees and has been time/date stamped by the AAA. The arbitration hearing shall commence within six months of filing the demand for arbitration or at another time agreeable to the NRMP.
3. If notice of a party's intent to seek arbitration is not received by the NRMP within 10 business days from that party's receipt of the Review Panel Report, or if the party does not file a demand for arbitration, including all paperwork and payment of fees (including the Initial Filing Fee and Case Service Fee) using the Standard Fee Schedule provided by the AAA, within 30 calendar days of receipt of the Review Panel Report, that party is deemed to have waived their right to contest the Panel Review Report and is barred from later filing a demand for arbitration or seeking other relief.
4. All notices, reports, and other communications under these Policies and Procedures shall be in writing and shall be deemed received (a) when delivered personally; (b) when received if deposited in the U.S. Mail, postage prepaid, sent registered or certified mail, return receipt requested; (c) 24 hours after being delivered to a nationally recognized and receipted overnight courier service; (d) 24 hours after being sent by e-mail, unless the sending party is notified that the e mail address is invalid or that the message was not delivered; or (e) when sent by facsimile, provided the sending party has received confirmation that the facsimile was transmitted successfully, to the NRMP at the address shown in Section A or to any other party at the address on file at the NRMP or designated by written notice to the NRMP.

F. Complete Investigation

1. An investigation shall be deemed complete when:
 - a) The Review Panel Report has been issued and the time frame for seeking arbitration has expired; or
 - b) In the event arbitration has been timely pursued, the Arbitrator has issued its award, and the Final Report has been issued consistent with the award.