



POLICY

Policy Name:	Violations of NRMP Match Participation Agreements: Reporting, Investigation, and Disposition		
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 Main Residency Match® (the Match), the Supplemental Offer and Acceptance Program® (SOAP), and all Specialty Matches.

2. Reason for Policy

To provide guidance to Match participants, including applicants, school officials, program directors, institution officials, as well as any person who may suspect or report violations of a MPA. To outline the general process for investigating possible violations of a MPA. 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) Waiver Policy (<http://www.nrmp.org/match-participation-agreements/>)
- d) All In Policy (<http://www.nrmp.org/all-in-policy/>)
- e) NRMP Privacy Statement (<http://www.nrmp.org/privacy-policy/>)
- f) Match Agreement and Resources: Residency Applicants (<http://www.nrmp.org/residency-applicant-match-participation-agreement/>)
- g) Match Agreement and Resources: Fellowship Applicants (<http://www.nrmp.org/fellowship-applicant-match-participation-agreement/>)
- h) Match Agreement and Resources: Medical Schools (<http://www.nrmp.org/medical-school-match-participation-agreement/>)

- i) 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):** The contractual arrangement between the NRMP and a match participating applicant, a participating program, a sponsoring institution or a medical school, that establishes a binding commitment between an applicant and a program to offer or to accept an appointment if a match results and to start training in good faith, with the intent to complete the program, on the date specified in the appointment contract.
- c) **Review Panel:** A sub-committee of the Policy Review Committee, composed of individuals appointed by the 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) **Violation:** An infringement or breach of the applicable MPA by an applicant, program, sponsoring institution, or medical school.
- f) **Waiver:** The decision of the NRMP to release a Match participant from the binding commitment to enter a program or to accept an applicant into the program following a Match.

6. The Policy

It is the policy of the NRMP to investigate alleged breaches of the MPA. A breach may include, but is not limited to: failure to provide complete, timely, and accurate information during the application, interview or match process; discrepancies in graduation credentials; attempts to subvert eligibility requirements; attempts to subvert the matching process or the SOAP; failure to offer or accept appointments as required by the results of a Match outcome; and any other irregular behavior or activity that occurs in connection with registration, the submission or modification of a rank order or SOAP preference list, or a Match participant's commitment to honor any Match outcome.

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.

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 investigate a report of a suspected violation if there is sufficient credible information in the report 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.
- 3) All parties identified in the report who are relevant to the alleged violation will be requested to provide 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 NRMP expressly permits otherwise 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) If the results of the investigation indicate that a violation may have occurred, a Preliminary Report will be distributed to the subject(s) of the violation, the individual who reported the violation, and any other parties relevant to the investigation. The Preliminary Report will document the nature of the allegation and summarize statements made by each party. The parties will have ten business days to review and respond to the Preliminary Report and provide additional information.
- 7) Upon receipt of the response(s) to the Preliminary Report, a revised report will be prepared for consideration by the Review Panel.
- 8) 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.
- 9) 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 F.
- 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 paragraph E. 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. Summary Corrective Actions

At any time before the Match results are released, the NRMP may withdraw from a Match any applicant or program for which the NRMP has clear and convincing evidence that such applicant or program is ineligible for the Match or has engaged in a material breach of the MPA and that absent immediate withdrawal from the Match, the integrity of the Match is threatened. If an applicant or program is withdrawn from a Match pursuant to this section, the NRMP shall note in the **R3** system that the applicant or program is the subject of a “pending action.” The designation shall remain in place until the applicant or program has waived or exhausted the opportunity to contest the adverse action pursuant to Section F below.

The NRMP's authority to withdraw an applicant or program from a Match pursuant to this section is in addition to its authority to impose sanctions for violations of the applicable Match Participation Agreement. Although applicants or programs withdrawn from a Match on a summary basis shall be afforded an opportunity to contest the adverse action pursuant to Section F below, the summary withdrawal shall remain in place and shall not be suspended or restored pending completion of the appeal process described in Section E below.

E. Sanctions

1. Investigations confirming a violation of the MPA by an individual applicant:

- a) Upon issuance of a Final Report, in addition to the applicant, copies of the report shall be issued electronically to the following persons and entities as determined pertinent by the NRMP:
 - i. the applicant's medical school official, with a request that the report be placed in the applicant's permanent file
 - ii. the Educational Commission for Foreign Medical Graduates if the applicant is a student/graduate of a foreign medical school
 - iii. the NRMP institutional official and the director of the program to which the applicant matched or in which the applicant accepted a position during **SOAP**
 - iv. the NRMP institutional official and director of the program to which the applicant has applied or switched (if known)
 - v. the person or entity who originally reported the violation
 - vi. the American Board of Medical Specialties, if appropriate
 - vii. the American Osteopathic Association, if appropriate
 - viii. the applicant's residency program director if the violation occurred in a fellowship Match

- ix. the Federation of State Medical Boards if the applicant is to be permanently identified as a Match violator or has been permanently barred from future NRMP Matches
- x. state medical licensure boards, if requested by the applicant
- xi. any parties whom the NRMP has determined are relevant to its investigation
- xii. the NRMP Executive Committee

b) Sanctions for a confirmed violation by an applicant include:

- i. being barred from subsequent NRMP Matches for one to three years or permanently, as determined by the NRMP
 - ii. designation in the R3 system as a Match violator for one to three years or permanently, as determined by the NRMP
 - iii. being barred for one year from accepting an offer of a position or a new training year, regardless of the start date (or renewing a training contract for a position at a different level or for a subsequent year), in any residency or fellowship training program sponsored by a Match-participating institution and/or starting a position or a new training year in any program sponsored by a Match-participating institution if training would commence within one year from the date of issuance of the Final Report.
- c) Applicants who violate SOAP communications policies may be barred for one year from participating in SOAP.
- i. Repeat violators of SOAP polices may be barred from the Match.
- d) 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 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 chief executive officer (or applicable role) of the hospital or university
 - ii. the NRMP institutional official for transmittal to the institution's graduate medical education committee
 - iii. the chair of the institution's graduate education committee
 - iv. the ACGME for distribution to the respective Review Committee (RC)
 - v. the respective specialty program director association
 - vi. the party who originally reported the violation

- vii. any federal or state regulatory agency or private accreditation entity that may have enforcement authority over the matter
- viii. any parties whom the NRMP has determined are relevant to its investigation
- ix. the NRMP Executive Committee

b) Sanctions for a confirmed violation by a program may include:

- i. being barred from future NRMP Matches for one to three years or permanently, as determined by the NRMP
 - ii. designation in the R3 system as a Match violator for one to three years or permanently, as determined by the NRMP
- c) All programs at a sponsoring institution, regardless of the program's Match participation status, are prohibited from offering a position to an applicant who has been barred from accepting or starting a position (or a new training year), because of a confirmed violation of the applicable Match Participation Agreement. If a program offers a position to such applicant despite the bar, or if an applicant accepts such a position, despite the bar, the NRMP will initiate an investigation to determine whether the applicant or program or both have violated their respective MPA.
- d) The decision conveyed in the Final Report will be displayed in the **R3** system Institution and Program Violations Report for one to three years or permanently, as determined by the NRMP. Term limits of any sanction(s) imposed for the violation will be included to identify the length of time the action is in effect.
- e) NRMP has sole discretion to determine which of the sanctions described above shall be applied in the event a program violates the applicable MPA. 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.

3. Investigations confirming a violation of the MPA 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 ACGME designated institution official, if different
 - ii. the chair of the institution's graduate medical education committee (GMEC)
 - iii. the president or chief executive officer of the institution
 - iv. the relevant state or private licensing or accreditation entities, including the Accreditation Council for Graduate Medical Education Institution Review Committee
 - v. the party who originally reported the violation
 - vi. any parties whom the NRMP has determined are relevant to its investigation
 - vii. the NRMP Executive Committee

b) Sanctions for a confirmed violation by an institution include:

- i. 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.
 - c) An institution that participates in any NRMP Match is prohibited from discussing, interviewing, or offering a position in any of the programs sponsored by the institution, regardless of the program's Match participation status, to any applicant who is ineligible to accept a position who has matched to a concurrent year position through the Matching Program or who is ineligible because of a denied waiver or a confirmed violation by the applicant. Such prohibition applies to all positions which have a start date within one year after the date of the NRMP's waiver decision or Final Report confirming a violation by the applicant.
 - d) If any of the program sponsored by the institution discusses, interviews for, or offers a position to an applicant who is ineligible to accept a position as the result of a denied waiver or a confirmed violation and training would commence within the one-year period, or if the applicant accepts or starts such a position, the NRMP will initiate an investigation to determine whether the applicant, the program, or the institution has violated the terms of the Participation Agreement.
 - e) The decision conveyed in the Final Report will be displayed in the **R3** system Institution and Program Violations Report for one to three years or permanently, as determined by the NRMP. Term limits of any sanction(s) imposed for the violation will be included to identify the length of time the action is in effect.
 - f) The NRMP has sole discretion to determine which of the sanctions described above shall be applied in the event an institution violates the applicable MPA. 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.
4. Investigations confirming a 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 president of the university of which the medical school is a part
 - v. the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association Commission on Osteopathic College Accreditation, as appropriate
 - vi. the relevant state or private licensing or accreditation entities
 - vii. the party who reported the violation
 - viii. any state regulatory agency with enforcement jurisdiction relevant to the adverse action such as the state board of education or state and/or regional accrediting body
 - ix. any private accrediting entities whose enforcement jurisdiction would extend to the adverse action

- x. any parties whom the NRMP has determined are relevant to its investigation
 - xi. the NRMP Executive Committee
- b) NRMP has sole discretion to determine which of the sanctions described above shall be applied in the event a medical school violates the applicable MPA. 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.
 - c) Medical schools and their sponsored graduate medical education programs, regardless of the programs' Match participation status, are prohibited from offering a position or new training year, regardless of start date, to any applicant who has been barred for one year from accepting or starting a position or a new training year because of a concurrent year Match commitment, because a waiver request has been denied by the NRMP, or because of a confirmed violation of the applicable Match Participation Agreement.
 - d) If any medical school or program sponsored by the medical school offers a position to such applicant, or if an applicant accepts such a position, and training would commence within one year of the date of the NRMP's waiver decision or the date of issuance of the Final Report, the NRMP will initiate an investigation to determine whether the applicant, the medical school, or program has violated the terms of this Agreement.

F. Contesting a Panel Review Report

Nothing in these Policies and Procedures shall prevent any party to a 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.

G. 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.