



## POLICY

<b>Policy Name:</b>	<b>Violations of NRMP Match Participation Agreements: Reporting, Investigation, and Disposition</b>		
<b>Affected Parties:</b>	<b>Applicants, Programs, Sponsoring Institutions, and Medical Schools</b>		
<b>Approval Authority:</b>	Chief Executive Officer/Board of Directors	<b>Adopted:</b>	June 2021
<b>Responsible Office:</b>	Match Compliance	<b>Contact:</b>	policy@nrmp.org

### 1. Policy Statement

To protect the integrity of the matching process, the NRMP requires all Match participants to conduct themselves professionally, ethically, responsibly and in accordance with the terms of the Match Participation Agreement (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 (i.e. Fellowship Matches). The NRMP takes seriously all reports of alleged or suspected violations of the MPA and may initiate an investigation for any reported or suspected violations. If a violation is confirmed, the NRMP may initiate sanctions or other remedial actions.

### 2. Reason for Policy

- a. To provide guidance to Match/SOAP participants, including applicants, school officials, program directors, institution officials, as well as any person who may suspect or report violations of the MPA.
- b. To outline the general process for investigating alleged or suspected violations of the MPA.
- c. To state the sanctions or other remedial actions that may be imposed upon a finding of violation.

### 3. Definitions

- a. **Breach:** Failure to comply with a duty imposed by the MPA, which is owed to another Match/SOAP participant(s) or to the NRMP. 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/SOAP participant's commitment to honor any Match/SOAP outcome.
- b. **Final Report:** A report generated upon the conclusion of an alleged or suspected violation(s) investigation outlining the findings and decisions of the Review Panel.
- c. **Match Participant:** Any individual, program, institution, or medical school participating in a Match, either for residency or fellowship appointment, in any Match year.
- d. **Match Participation Agreement (MPA):** The contractual arrangement between the NRMP and a Match/SOAP participant that affirms their agreement to adhere to Match/SOAP policy and establishes a binding commitment between an applicant and a program.

- e. **Preliminary Report:** A report generated by the NRMP upon determination that an alleged or suspected violation(s) investigation is warranted.
- f. **Remedial Action(s):** Process improvement directive(s) to programs, institutions, and medical schools in the absence of a confirmed violation of the MPA if it is determined that conditions may have contributed to an alleged or suspected violation or may contribute to a violation in the future. Remedial actions may also be incorporated into the Review Panel decision, and may accompany sanctions, when a violation is confirmed. Failure to comply with remedial action(s) may result in a new investigation and imposition of sanctions.
- g. **Review Panel:** A sub-committee of the Policy Review Committee of the NRMP Board of Directors, composed of individuals appointed by the NRMP Board of Directors, that reviews the investigation of all alleged or suspected violations and determines the disposition of the findings.
- h. **Review Panel Report:** A report generated by the NRMP on behalf of the Review Panel in the event the Review Panel determines a violation has occurred.
- i. **Sanction:** The imposition of a penalty based on the outcome of an investigation.
- j. **Violation:** A confirmed breach of the applicable MPA by a Match/SOAP participant.
- k. **Waiver:** The release of Match/SOAP participants from the binding commitment following a Match or acceptance of an offer through the SOAP.

#### 4. The Policy

- a. An alleged or suspected Match/SOAP violation(s) by an applicant, program, institution or medical school (herein referred to as 'parties'), must be reported through the NRMP website.
  - i. Individuals submitting a report may request their identity remain anonymous. The NRMP will make every effort to keep anonymous the identity of individuals when requested; however, the NRMP does not guarantee an individual's identity will not be discovered through the normal course of communication with the parties about the alleged or suspected violation.
  - ii. An alleged or suspected violation may be reported anonymously. In such case, the NRMP will not attempt to provide acknowledgement of receipt of the report or any other follow-up to the reporter.
- b. The NRMP will review reports of an alleged or suspected violation to determine if an investigation is warranted.
  - i. If the NRMP determines there is no basis for an investigation, the reporting individual will be notified of the determination, if practicable.
  - ii. If the NRMP determines a potential violation of the MPA may have occurred, the NRMP may investigate alleged or suspected breaches of the MPA.
- c. The NRMP has sole discretion to determine if a violation(s) of the MPA occurred.
- d. The NRMP has sole discretion to determine the sanctions or other remedial action(s) applied to Match/SOAP participants if an investigation confirms a violation(s) of the MPA. Failure of parties to comply with sanctions may result in a new investigation and imposition of new sanctions.

- e. The NRMP may request or require remedial action(s) by programs, institutions, and medical schools in the absence of a confirmed violation of the MPA if it is determined that conditions may have contributed to an alleged or suspected violation or may contribute to a violation in the future. Failure of parties to comply with a remedial action(s) may result in a new investigation and imposition of sanctions.
- f. It is the NRMP's sole discretion whether individuals reporting alleged or suspected Match/SOAP violations, who are not a party to the issue, will receive follow up communication specific to the disposition of the outcome. Individuals who are not a party to the review or investigation will not receive copies of the Preliminary Report, the Review Panel Report, or the Final Report and may not contest the outcome of the decisions made by the NRMP or the Review Panel. Disposition shall be described as:
  - i. Alleged or suspected violation under initial review.
  - ii. Alleged or suspected violation not substantiated by review of the applicable Match/SOAP policy; therefore, the case has been closed.
  - iii. Potential violation of Match/SOAP policy under review or investigation.
  - iv. Final Report: Upon review of all relevant documents and statements pertaining to the alleged or suspected violation of Match/SOAP policy, a violation was/was not confirmed, and the case has been closed.
- g. 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 breach of the MPA and that absent immediate withdrawal from the Match, the integrity of the Match is threatened.
  - i. 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 as outlined in Section 8 of this policy.
  - ii. The NRMP's authority to withdraw an applicant or program from a Match is in addition to its authority to impose sanctions for violations of the applicable MPA.
- h. All communication to and from the NRMP throughout the course of a violations report and investigation must be submitted and/or transmitted electronically, in writing.
- i. Absent an applicable legal requirement to the contrary, the 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 the NRMP routinely provides to the parties under these Policies and Procedures or in the normal course of the matching process.

## **5. Investigation Procedures**

- a. The NRMP will review reports of an alleged or suspected violation of the MPA to determine if a violation may have occurred and will determine the parties involved.
- b. If an alleged or suspected violation is determined to have potentially occurred, the NRMP will:
  - i. Notify the parties of the alleged or suspected violation, using their last known email address, and provide a summary of the issue under investigation.

- ii. Request that each party provide a written statement and any supporting documentation outlining their knowledge of the alleged or suspected violation.
    - a. Each party must respond to the request for statement(s) and supporting documentation within the timeline outlined in the NRMP's communication.
    - b. Failure to respond to a request for written statement or supporting documentation will not delay or halt the investigation of the alleged, suspected, or confirmed violation.
    - c. Failure to respond to a request for written statement or supporting documentation may result in the NRMP determining that the party has engaged in a violation of the MPA.
  - iii. Evaluate and/or further investigate the information received during the investigation and determine if a violation occurred.
- c. If, upon review of the statements and materials received, the NRMP determines:
- i. An alleged or suspected violation did not occur, the case will be closed. All parties will be notified of the disposition of the case.
  - ii. An alleged or suspected violation by a program, institution, or medical school may have occurred, but has been addressed in a manner that prevents recurrence, the NRMP may elect not to investigate further. However, the NRMP may levy remedial action(s) to address the conditions determined to cause or contribute to the alleged or suspected violation(s). All parties will be notified of the disposition of the case.
  - iii. An investigation is warranted due to an alleged, suspected, or known violation, a Preliminary Report documenting the nature of the allegation(s), summarizing the statements made by each party, and summarizing the applicable Match/SOAP policy will be distributed to the involved parties.
    - a. Each party will have ten (10) business days to review and respond to the Preliminary Report and to provide any additional relevant information.
    - b. Once ten (10) business days have concluded, a revised report incorporating the response(s) to the Preliminary Report will be prepared for consideration by the Review Panel.
- d. Following review of the revised Preliminary Report, the Review Panel will determine whether, based on the information received, a violation has occurred and, if so, will determine if sanctions and/or remedial action(s) should be imposed.
- i. If the Review Panel determines that no violation occurred, the NRMP will document the decision in a Final Report and all parties will be notified.
  - ii. If the Review Panel determines that a violation(s) has occurred, the NRMP will document the confirmed violation(s) and summarize any sanctions or remedial action(s) as outlined in Section 6 in a Review Panel Report, and all parties will be notified.
  - iii. Each party may contest the findings of the Review Panel Report through arbitration as outlined in Section 8 of this policy.

- a. If the party(s) contest the Review Panel decision, the NRMP shall note in the R3 system that the investigation has a “pending action.” The designation shall remain in place until the party has waived or exhausted the opportunity to contest the adverse action as outlined in Section 8 of this policy.
- b. If the timeline to contest expires without action by either party, the Review Panel Report shall be reclassified as the Final Report and all parties will be notified.
- e. An investigation shall be deemed complete when:
  - i. The Review Panel Report has been issued and the time frame for contesting the report has expired;
  - ii. The Final Report has been issued; or
  - iii. In the event arbitration has been pursued, the Arbitrator has issued its award, and the Final Report has been issued consistent with the award.

## 6. Sanctions

### a. Applicants

- i. Investigations confirming a violation(s) of the MPA by an individual applicant during the Main Residency Match or any fellowship Match may result in:
  - a. Copies of the Final Report being issued to:
    1. The applicant’s medical school official, with a request that the report be placed in the applicant’s permanent file;
    2. The Educational Commission for Foreign Medical Graduates (ECFMG) if the applicant is a student/graduate of a foreign medical school;
    3. 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;
    4. The NRMP institutional official or director of the program to which an applicant has applied or switched, if applicable and if known to the NRMP;
    5. The applicant’s residency program if the violation occurred in a fellowship Match;
    6. The American Board of Medical Specialties (ABMS), the American Osteopathic Association (AOA) or other certifying body;
    7. The Federation of State Medical Board (FSMB) if the applicant will be permanently identified as a Match violator or has been permanently barred from future NRMP matches;
    8. State medical licensure boards; and

9. Any other party the NRMP deems relevant to its investigation and the outcome of the Review Panel, including the NRMP Board of Directors.
- b. Designation as a Match violator in the R3 system for one-to-three years, or permanently with term limits included to identify the length of time the action is in effect;
  - c. Being barred from subsequent NRMP Matches for one-to-three years, or permanently with term limits included to identify the length of time the action is in effect;
  - d. 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.
    1. All programs at a sponsoring institution, regardless of the program's Match participation status, and the sponsoring institution, 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 or sponsoring institution 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, program and/or sponsoring institution have violated their respective MPA.
    2. 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.
  - e. Investigations confirming a violation(s) of the MPA by an individual applicant during SOAP may result in being barred from participation in SOAP for one (1) year. Repeat violators may be barred from the Match.

b. Programs

- i. Investigations confirming a violation(s) of the MPA by a program during the Main Residency Match or any fellowship Match may result in:
  - a. Copies of the Final Report being issued to:
    1. The NRMP institutional official for transmittal to the institution's graduate medical education committee;
    2. The Chair of the institution's graduate medical education committee;

3. The Accreditation Council for Graduate Medical Education (ACGME) for distribution to the respective Review Committee (RC) or the relevant accrediting body for the specialty;
  4. The respective specialty program director association;
  5. Any federal or state regulatory agency that may have enforcement over the matter; and
  6. Any other party the NRMP deems relevant to its investigation and the outcome of the Review Panel, including the NRMP Board of Directors.
2. Designation as a Match violator in the R3 system for one-to-three years, or permanently with term limits included to identify the length of time the action is in effect;
  3. Being barred from subsequent NRMP Matches for one-to-three years, or permanently with term limits included to identify the length of time the action is in effect.
- c. Sponsoring Institutions
- i. Investigations confirming a violation(s) of the MPA by a sponsoring institution during the Main Residency Match or any fellowship Match may result in:
    - a. Copies of the Final Report being issued to:
      1. The ACGME institutional official for transmittal to the institution's graduate medical education committee;
      2. The Chair of the institution's graduate medical education committee;
      3. The chief executive officer or applicable role of the sponsoring hospital or university;
      4. The Accreditation Council for Graduate Medical Education (ACGME) for distribution to the Institutional Review Committee (RC) or the relevant accrediting body for the specialty;
      5. Any federal or state regulatory agency that may have enforcement over the matter; and
      6. Any other party the NRMP deems relevant to its investigation and the outcome of the Review Panel, including the NRMP Board of Directors.
    2. Designation as a Match violator in the R3 system for one-to-three years, or permanently with term limits included to identify the length of time the action is in effect.
- d. Medical Schools
- i. Investigations confirming a violation(s) of the MPA by a medical school during the Main Residency Match or any fellowship Match may result in:

a. Copies of the Final Report being issued to:

1. The Dean of the medical school;
  2. The Dean of Student Affairs of the medical school;
  3. The NRMP School Official;
  4. The President of the university of which the medical school is a part;
  5. The Liaison Committee on Medical Education (LCME) or the American Osteopathic Association Commission on Osteopathic College Accreditation (COCA), or other private accrediting entities whose jurisdiction would extend to the adverse action, as appropriate;
  6. 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 or licensing agency;
  7. Any other party the NRMP deems relevant to its investigation and the outcome of the Review Panel, including the NRMP Board of Directors.
- e. The NRMP has sole discretion to determine which of the sanctions described above shall be applied in the event a party violates the applicable MPA. Failure to comply with sanctions may result in a new investigation and imposition of new sanctions.

## **7. Remedial Actions**

Remedial actions identify and establish accountability and encourage process improvement measures for programs, institutions, and medical schools who have, or may have, committed a violation of the MPA. Remedial actions may be combined with sanctions for confirmed violations. Application of these measures are solely at the discretion of the NRMP.

a. Remedial Actions for programs and institutions may include:

- i. Notification of the alleged, suspected, or confirmed violation(s) to the institution's Graduate Medical Education Committee (GMEC) and documentation by the GMEC addressing the remedial action items.
- ii. Notification to affected or potentially affected parties (e.g., program faculty and staff, current residents or fellows) of the alleged, suspected, or confirmed violation and/or outcome.
  1. If the issue is such that incoming residents will be adversely affected, the program may be required to document notice to each individual.
- iii. Evidence of an action plan addressing the violation(s), including a plan for monitoring and sustained improvement, approved by the institution's GMEC.
- iv. Documentation of institution and program policy(s) and/or processes pertaining to Match policies. Examples may include:
  1. Communication (e.g., prevention of coercive questioning)



2. Right to privacy (e.g., notification of an applicant/program's right not to be recorded without their written consent)
  3. Provision of accurate information (e.g., failure to disclose program and/or institutional eligibility requirements)
  4. Onboarding and binding commitment (e.g., released resident before the 45th day of training)
  5. Program/faculty development as appropriate, which may include education pertaining to:
    - a. Match policy
    - b. Policies, processes, and education pertaining to diversity, equity, and inclusion
    - c. State and Federal Law pertaining to recruitment and employment
    - d. Recruitment and interview processes and communication
- b. Remedial Actions for medical schools may include:
- i. Notification of the alleged, suspected, or confirmed violation(s) to the Office of the Dean with documentation addressing the remedial action items requested.
  - ii. Notification to affected or potentially affected parties (e.g., medical school faculty and staff) of the alleged, suspected, or confirmed violation and/or outcome.
  - iii. Evidence of an action plan addressing the violation(s), including a plan for monitoring and sustained improvement, approved by the Office of the Dean.
  - iv. Documentation of medical school's policy(s) and/or processes pertaining to Match policies.
- c. Remedial actions may:
- i. Have an established timeline for response and remediation; and
  - ii. May require progress reports for those issues requiring extended remediation timelines.

## 8. 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.

- a. Any party seeking to contest a Review Panel decision must:
- i. Notify the NRMP in writing of the intent to seek arbitration within ten (10) business days from that party's receipt of the Review Panel Report; and,
  - ii. must file a written demand for arbitration with the American Arbitration Association (AAA) within thirty (30) calendar days of receipt of the Review Panel Report.

- b. If notice of a party's intent to seek arbitration is not received by the NRMP within (ten) 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 thirty (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.
- c. 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 (6) months of filing the demand for arbitration or at another time agreeable to the NRMP.
- d. All notices, reports, and other communications under these Policies and Procedures shall be transmitted electronically by email, through the NRMP website, or by mail 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 or through the NRMP website, 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.

## 9. Resources

- a. Office of Match Compliance ([policy@nrmp.org](mailto:policy@nrmp.org) or 202-400-2235)
- b. Office of Match Operations ([support@nrmp.org](mailto:support@nrmp.org) or 866-653-6767)
- c. Waiver Policy (Policies | NRMP)
- d. All In Policy (Policies | NRMP)
- e. NRMP Privacy Statement (Privacy Statement | NRMP)
- f. Match Agreement and Resources (Policies | NRMP)