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## **Policies and Procedures for Reporting, Investigation, and Disposition of Violations of NRMP Agreements**

### **Purpose**

The National Resident Matching Program (NRMP) assumes responsibility for instituting measures to protect the integrity of the matching process by requiring all Match participants to behave ethically and responsibly during the matching process.

### **Policy**

It is the policy of the NRMP to require each Match participant to enter into an NRMP Match Participation Agreement and to investigate alleged breaches of the Participation Agreements, including but 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, the matching process or the Match Week **Supplemental Offer and Acceptance Program**<sup>®</sup> (**SOAP**<sup>®</sup>); 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, and/or the participant's commitment to honor any Match outcome.

### **A. Reporting Procedures**

1. The NRMP takes seriously all reports of alleged violations of the Match Participation Agreements. Applicants, school officials, program directors, institutional officials, or any other person may report suspected violations. Reports of suspected violations may be communicated to NRMP in written or electronic form. The NRMP will initiate an investigation if it receives sufficient, credible information that a violation may have occurred. The person reporting the violation may request that his/her identity remain confidential. In addition, allegations of violations may be reported anonymously, however anonymity may impede the NRMP's ability to investigate.
2. The NRMP will acknowledge all such written reports in order to make an initial verification of their authenticity within seven days of the receipt of the report.
3. Suspected violations must be sent in writing to:  
National Resident Matching Program  
2121 K Street, N.W.  
Washington, D.C. 20037  
**EMAIL: policy@nrmp.org**

### **B. Communications**

Except as otherwise expressly provided 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**<sup>®</sup> (**R3**<sup>®</sup>) 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.

References to communications from the NRMP in this policy, the applicable Match Participation Agreement, the NRMP Waiver Policy, or such other policy as may be implemented by the NRMP from time to time shall mean communication by electronic transmission; provided, however, that the NRMP shall communicate confirmed violations of this Agreement by U.S. mail if requested to do so by the affected participant.

### C. Confirmation and Investigation Procedures

Following the issuance of its acknowledgment letter, the NRMP will contact directly the party or parties (applicant, program director, school official, or institutional official) identified in the report of a suspected violation or any other person with knowledge of the incident. These individuals will be informed of the nature of the reported violation and that it is being investigated by the NRMP. All parties identified in the report as relevant to the alleged violation will be requested to provide the NRMP their version of the incident in writing and, if necessary, their response to the allegation(s) within ten business days from the date of the NRMP's request. With respect to the subject of the reported violation, if there is no response to an inquiry from the NRMP after three attempts at contact have been made, the applicant, program, institution, or school (as the case may be) shall be presumed to have engaged in a wrongful act.

1. All allegations will receive a full examination and evaluation. The NRMP is authorized to contact other individuals/institutions in the course of acquiring information/data about the alleged incident.
2. The NRMP will evaluate and/or further investigate the information it receives and, if appropriate, prepare a *Preliminary Report* as soon as practicable. The *Preliminary Report* will document the nature of the allegation and summarize statements provided by each party. Such statements serve as the foundation of the NRMP's investigation.
  - a. 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 thereof electronically.
  - b. If the results of the investigation indicate that a violation may have occurred, the *Preliminary Report* will be distributed to the subject of the violation, the individual who reported the violation, and any other parties the NRMP considers relevant to the investigation. The parties will be given ten business days from receipt of the *Preliminary Report* to review and respond to the *Preliminary Report* and provide additional information to the NRMP.
  - c. After receiving any additional information, a revised report will be prepared for consideration by a Review Panel of the NRMP's Violations Review Committee (VRC).
3. In order to safeguard the integrity of our 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.
4. The Review Panel will determine whether a violation has occurred and, if so, the appropriate action for the violation. It will issue a *Review Panel Report* that reports the decision of the Review Panel.
  - a. If the Review Panel determines that no violation has occurred, the *Review Panel Report* will be reclassified as the *Final Report* and it will be issued to all parties listed on the Report.
  - b. If the Review Panel determines that a violation has occurred, the *Review Panel Report* will be sent electronically to the subject of the violation investigation. If the subject 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 below. If the subject 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 below. 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.

An applicant or program may contest an adverse *Review Panel Report* in accordance with the procedures set forth in Section F below.

#### D. Interim Corrective Action

At any time before the Match results are released, the NRMP may withdraw from a Match any applicant or program if the NRMP believes it has credible evidence that they have violated the terms of the applicable Match Participation Agreement. If an applicant or program is withdrawn from a Match, 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 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 still will be afforded an opportunity to contest the adverse action pursuant to Section F below, any decision by the NRMP to withdraw an applicant or program shall remain in place and not be subject to suspension in the event the applicant or program chooses to contest the withdrawal or other action by the NRMP pursuant to Section E below.

#### E. Consequences If Allegations of a Violation are Confirmed

1. For completed investigations confirming a violation of a Participation Agreement by an individual applicant:

- a. When a *Final Report* is issued to the applicant electronically, copies also will be issued to the following persons and entities. Paper copies of the Report will be distributed by regular mail if email addresses are unavailable:
  - (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 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 and director of the program to which the applicant has applied or switched (if known)
  - (5) the person or entity who originally reported the violation
  - (6) the NRMP Executive Committee
  - (7) the American Board of Medical Specialties
  - (8) the American Osteopathic Association, if appropriate
  - (9) the applicant's residency program director if the violation occurred in a fellowship Match
  - (10) 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
  - (11) state medical licensure boards, if requested by the applicant
  - (12) any parties whom the NRMP has determined are relevant to its investigation.
- b. Potential sanctions for a confirmed violation by an applicant include:
  - (1) being barred from subsequent NRMP Matches for one to three years or permanently, as determined by the NRMP.
  - (2) being identified in the R3 system as a Match violator to participating programs for one to three years or permanently, as determined by the NRMP.
  - (3) being barred for one year from accepting an offer of a position or a new training year, regardless of the start date, in any 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.

Any applicant who has been denied a waiver of a binding commitment and who does not accept the matched position may be barred for one year from accepting an offer of a position or a new training year, regardless of the start date, in any program sponsored by a Match-participating institution and/or from 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 the NRMP's decision on the waiver.

Applicants who violate **Supplemental Offer and Acceptance Program (SOAP)** policies may be barred for one year from participating in **SOAP**. Repeat violators of **SOAP** policies may be barred from the Match.

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. For completed investigations confirming a violation of a Participation Agreement by a program:

- a. When a *Final Report* is issued to the program director electronically, copies also will be issued to the following persons and entities. Paper copies of the Report will be distributed by regular mail if email addresses are unavailable:
  - (1) the chief executive officer (or applicable role) of the hospital or university
  - (2) the NRMP institutional official for transmittal to the institution's graduate medical education committee
  - (3) the chair of the institution's graduate education committee
  - (4) the ACGME for distribution to the respective Review Committee (RC)
  - (5) the respective specialty program director association
  - (5) the party who originally reported the violation
  - (6) the NRMP Executive Committee
  - (7) any federal or state regulatory agency or private accreditation entity that may have enforcement authority over the matter
  - (8) any parties whom the NRMP has determined are relevant to its investigation.
  
- b. Potential sanctions for a confirmed violation by a program include:
  - (1) being barred from future NRMP Matches for one to three years or permanently, as determined by the NRMP
  
  - (2) 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.

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 for one year from accepting or starting a position or a new training year because a waiver request has been denied by the NRMP or because of a confirmed violation of the applicable Match Participation Agreement. If a program 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 or program has violated the terms of the of the applicable Match Participation Agreement.

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.

NRMP has sole discretion to determine which of the sanctions described above shall be applied in the event a program violates the applicable Match Participation 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.

3. For completed investigations confirming a violation of a Participation Agreement by a medical school:
  - a. When a *Final Report* is issued to the medical school official electronically, copies also will be delivered to the following persons and entities. Paper copies of the Report will be distributed by regular mail if email addresses are unavailable:
    - (1) the dean of the school
    - (2) the dean of student affairs of the 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 or the American Osteopathic Association Commission on Osteopathic College Accreditation, as appropriate, and relevant state or private licensing or accreditation entities
    - (6) the NRMP Executive Committee
    - (8) the party who originally reported the violation
    - (9) 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
    - (10) any private accrediting entities whose enforcement jurisdiction would extend to the adverse action
    - (11) any parties whom the NRMP has determined are relevant to its investigation.

NRMP has sole discretion to determine which of the sanctions described above shall be applied in the event a medical school violates the applicable Match Participation 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.

4. For completed investigations confirming a violation of a Participation Agreement by an institution:
  - a. When a *Final Report* is issued to the institutional official electronically, copies also will be delivered to the NRMP to the following persons and entities. Paper copies of the Report will be distributed by regular mail if email addresses are unavailable:
    - (1) the ACGME designated institutional official, if different
    - (2) the chair of the institution's graduate medical education committee
    - (3) the president or chief executive officer of the institution
    - (4) the relevant state or private licensing or accreditation entities, including the Accreditation Council for Graduate Medical Education Institutional Review Committee
    - (5) the party who originally reported the violation
    - (6) the NRMP Executive Committee
    - (7) any parties whom the NRMP has determined are relevant to its investigation
  - b. 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. If any of the programs 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.

- c. 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.

The NRMP has sole discretion to determine which of the sanctions described above shall be applied in the event an institution violates the applicable Match Participation 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.

#### **F. Contesting a *Review Panel Report***

Nothing in these Policies and Procedures shall prevent any party to a Match Participation Agreement from seeking arbitration to contest a *Review Panel Report* under the terms of such Agreement. Any party seeking to contest a Review Panel decision must 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 must file a written demand for arbitration with the American Arbitration Association (AAA) within 30 calendar days of receipt of such report. If a party seeks arbitration to contest a Review Panel decision, the penalties imposed in and the distribution of the *Review Panel Report* will be suspended until the arbitration has concluded. 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 and is barred from later filing a demand for arbitration or seeking other relief. 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.

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. When an Investigation is Deemed Complete:**

An investigation shall be deemed complete when:

1. The Review Panel Report has been issued and the time frame for seeking arbitration has expired; or
2. 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.