



Contemporary Assessment of Match Violations within Urology: an Opportunity for Ethical Leadership

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Abstract

Purpose of Review The primary aim of this review is to: (1) adequately define Match violations, (2) thoroughly examine the nature and scope of Match violations in the American Urologic Association (AUA) Urology Match, and (3) propose and recommend policy guidelines, including consequences for applicants and programs, as it pertains to Match violations. These recommendations are intended to affect change at the level of the AUA and Society of Academic Urology (SAU) that more effectively mitigates future violations, intentional or not.

Recent Findings There is a paucity of specific guidelines published by the AUA on what constitutes a Match violation. Furthermore, in contrast to the National Resident Matching Program (NRMP), the AUA is surprisingly lenient in their existing guidelines. The Match violations most frequently reported were programs asking applicants illegal and restricted questions as well as inappropriate post-interview communication between applicants and programs.

Summary Review of current Match policies and violations suggest several areas for improvement, particularly regarding the specificity of AUA guidelines to define Match violations, the asking of illegal interview questions, and post-interview communication. The obligation to uphold a fair and equitable Match is an ethical imperative for the urologic community.

Keywords Urology · Match · AUA match · NRMP · Match violations

Introduction

Ethical violations and discriminatory recruiting patterns in the residency Match process present significant professional challenges to a small and highly competitive field like urology. The traditional, informal, interview setting can expose candidates and programs to violations, whether committed

intentionally or not. While employment law exists to protect potential employees from illegal discrimination, review of current AUA Match Policies reveal that official policy fails to address these situations.

In addition to upholding pre-existing employment law, the residency Match process must also honor the fairness of the system to applicants and programs. Ethical violations such as post-interview communication, offering binding promises of intent, or the implications of a required second look all compromise the integrity of the Match process and the professional ethics of those involved. This can have negative consequences for both applicants and programs. Review of current AUA Match policies demonstrate a failure to define, address, and respond to these current concerns.

Comparing AUA Match Guidelines to NRMP Code of Conduct

A contemporary comparison can be found in the NRMP, the analogous governing body for the majority and nearly all medical-surgical healthcare fields. The NRMP mission

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statement clearly addresses the institution's goals to "match healthcare professionals to graduate medical education and advanced training programs through a process that is fair, efficient, transparent, and reliable." To this effect, the NRMP explicitly "assumes responsibility for instituting measures to protect the integrity of the matching process by requiring all Match participants to behave ethically and responsibly." [1].

Comparing current policy between the AUA Urology Match Guidelines [2] and the NRMP Code of Conduct [3], both institutions explicitly forbid commitments of rank to applicants prior to the Match, offering positions outside of the Match or declining to uphold the binding commitment of the Match (Table 1). However, while the NRMP discourages all post-interview communication, the AUA Match has historically allowed communication if initiated by the applicant as well as email/letter communication when initiated by the program (Table 1). It should be noted that a phone call from a Program Director (PD) has specifically been identified as undue pressure on an applicant and is unacceptable as per published guidelines on the AUA website [2].

In addition to differences in handling post-interview communication, the NRMP Code of Conduct specifically addresses that illegal employment questions (age, gender, religion, sexual orientation, family status), requiring (or implied requiring of) a second look or revealing/disclosing applicant or program rank intentions are specifically forbidden (NRMP Code of Conduct <http://www.nrmp.org/communication-code-of-conduct/>).

At this time, the AUA Match Guidelines do not address these relevant issues. The SAU recognized the need for further analysis of these issues and charged a Taskforce titled *Match Violations: Proposed Solutions* to consider the scope and

nature as well as potentials solutions to the problem. The following is the taskforce's analysis.

Match Violations Within Urology: a Contemporary Analysis

Several recent studies have sought to identify the prevalence and types of Match violations within the urology Match to identify relevant areas for discussion and targeted improvements. In the article entitled "*The National Resident Matching Program Code of Conduct: What is the Degree of Compliance during the Urology Match Process?*" Elsamra et al. surveyed all applicants to a single New Jersey urology residency program during the 2017 Match cycle. Overall participant response rate was 34% (78 responders out of 231 surveyed). They found that 60% of respondents reported post-interview communication, which, in and of itself, is not prohibited by the AUA Match guidelines although it is highly discouraged by the NRMP code of conduct. Notably, nearly 20% of applicants reported that post-interview communication caused them to rank a program higher than initially planned. While post-interview communication is permissible under current guidelines, this suggests that program faculty and applicant education is important to ensure that post-interview communication does not compromise the fairness of the Match process or cause interference. In free text responses from the applicants, underlying themes of perceived pressure to disclose ranking intentions, to attend second looks, and to reveal parental plans all represent areas strife with unprofessional behavior and explicit bias [4].

Table 1 Comparison of the AUA vs NRMP policy on Match violation definitions

Match violations	AUA Match guidelines	NRMP code of conduct
Offers or commitments of rankings to applicants before match	Unacceptable	Unacceptable
Offers outside the match	Unacceptable	Unacceptable
Decline to honor the binding match commitment	Unacceptable	Unacceptable
Post-interview Communication		
Telephone	Initiated by program— unacceptable Initiated by applicant— acceptable	Discouraged Discouraged
Email	Acceptable	Discouraged
Letter	Acceptable	Discouraged
Reveal/disclose applicant's rank intentions, programs, or locations applied to	Not specifically mentioned	Unacceptable
Ask illegal questions during interview	Not specifically mentioned	Unacceptable (illegal questions well-defined based on age, gender, religion, sexual orientation, family status)
Require second visits or visiting rotations	Not specifically mentioned	Program shall not require them or imply they are used in determining applicant placement on rank list

A second recent survey, “*Gender-based differences in discriminatory questions asked of urology applicants during residency*,” Kielb et al. assessed rates of illegal interview questions including marital status, family status, ethnicity, and religion at a single Midwest residency program during the 2016 Match. Of the 340 applicants surveyed, 170 responded for a 50% response rate; of these, a total of 76% of respondents were male and 23% were female. Overall, 54.5% of respondents reported being asked at least one unprompted *illegal* question on a restricted topic. Among women applications, 85% reported being asked about a restricted topic compared with 45% of their male counterparts. Women were statistically more likely to be asked about age, parental status, and intent for future children. Men were more likely to be asked their opinions and rankings of other residency programs [5]. Once again, the free text responses from applicants open a window to peer inside the interview room: “I was asked by a program director if my husband and I had a stable relationship, because he ‘worries about female residents and doesn’t want to deal with a break up.’” Implicit bias regarding parental or relationship factors influence women’s competency as a resident can easily become explicit bias in the recruitment process.

In “*The National Resident Matching Program Code of Conduct: What is the Perceived Degree of Compliance during the Urology Match Process*,” Badalato et al. surveyed all 285 applicants to a single New York urology residence program during the 2017 Match cycle and obtained a response rate of 55% (166/285). They found that 58% of applicants received follow-up communication from at least one program, and the majority from multiple programs. Alarming, 13% of applicants reported verbal communication, which is strictly prohibited by the AUA Match Guidelines. A total of 19% of applicants reported that they felt misled by communication to believe they had a higher chance of matching at a program. Similar to conclusions by Kielb et al., regarding illegal questions, 85% of applicants reported being asked questions about personal life, with female applicants being asked these questions significantly more frequently than male counterparts [6].

As a corollary to extracting data from the applicant experience, a recent survey assessed program directors’ opinions on post-interview communications. In the article “*The Urology Match Process and the Value of Post-Interview Communication for Program Directors*,” Elsamra et al. surveyed 138 urology program directors (PDs) regarding this topic and garnered a 61% response rate. Their analysis revealed that 98% of programs received post-interview communication initiated by applicants even though 26% of these programs explicitly requested that applicants refrain from post-interview communication. Importantly, 81% of PDs felt that their rank list was *not* influenced by applicants disclosing how they would rank that program; this is in stark contrast to the determinations of previous studies surveying applicants that had shown nearly 20% of applicants ultimately felt misled

by programs regarding ranking intent [7]. This finding thus alludes to the power differential between applicants and programs with the matching process and that more explicit AUA/SAU guidelines consistent with the NRMP are necessary.

In summary, among this body of published data, several contemporary single-institution survey studies have demonstrated a palpable rate of post-interview communication or inappropriate interview questions, with a perceived gender bias against women applicants. Furthermore, applicants are vulnerable to what they view as requests for post-interview communication; this communication can affect the candidate’s rank order and foster misleading expectations about Match outcomes.

Proposed Changes for Defining Match Violations

Post-interview communication is of limited value for both applicants and programs and risks exposing both parties to unethical behavior that undermines the Match process. As such, the authors believe that adopting the NRMP Code of Conduct in discouraging any and all types of post-interview communication is the preferably policy. The authors further believe that the NRMP Code of Conduct should be adopted with regard to revealing or disclosing an applicant’s rank intentions, prohibiting illegal questions during the interview, and avoiding the requirement of second-look visits. Simply put, medical students should not be asked to reveal their ranking preferences to programs. They should not be asked inappropriate questions during interviews. They should not be coerced into changing their Match lists based on inappropriate information shared by programs. They should not be “strongly encouraged” to conduct second looks. Consistency of policy for urology as compared with nearly every other specialty that is governed by the NRMP makes rational sense.

Proposed Changes for Policy on Investigation and Consequences of Match Violations

While a straightforward and feasible change to the AUA policy on investigating and dispensing discipline with regard to Match violations would be to wholly adopt the NRMP’s guidelines for investigating Match violations and consequences, there is a seemingly burdensome, excessively punitive quality to some of the NRMP’s policies. Specifically, there seems to be a presumption of guilt over innocence and while the policies might be suitable to protect the NRMP of liability in the event of a contentious decision, it is not necessarily a useful or feasible basis for replication for the AUA Match. For example, the policy does not define who, other

than the “NRMP” would perform the investigation of an alleged violation.

Therefore, in order to develop Match Guidelines specific to urology for the AUA and SAU, in May of 2018 the SAU convened a Task Force “Match Violations: Proposed Solutions” to present the data above as well as recommendations on the relevant issues to the SAU membership at large. Based on this work, the SAU board of directors developed the “Resident Match Process Policy and Guidelines”, which after a period of open public comment, were finalized and published to the SAU website: (<https://sauweb.org/resources/resident-match-process.aspx>) [8]. The following summarizes key points to highlight changes of this new policy.

Attestation

Programs and applicants will sign an annual attestation form to agree to abide by the SAU-AUA Match Policy in order to complete the Match process application. This is a preventative measure aimed at ensuring both parties are aware of the Match policy and provides an opportunity for both to actively acknowledge the ethical and professional standards of the Match.

Visiting Rotations and Second Looks

The SAU strictly prohibits requiring visiting rotations or mandating or offering second looks. Programs will not state or imply that visiting rotations or second looks are required or have any impact on the applicant ranking order. This is information that the PD should actively share with candidates during the interview process. On the applicant side, applicants are not allowed to request or seek a second look with anyone in the program.

Code of Conduct

The SAU-AUA Match policy has incorporated and aligned itself with the NRMP Code of Conduct. First, PDs accept the responsibility of actions of the interviewing team members. Second, all interviewing team members must avoid asking applicants about private information and specifically cannot ask about pregnancy; religious, sexual, or political preferences; parental status; or pre-existing conditions. Third, PDs and team members will respect applicants right to privacy and confidentiality and may not ask applicants to disclose information about the programs to which they are applying to or considering. Fourth, PDs and all team members will avoid any and all post-interview communication. These tenets of the Code of Conduct are all new changes to specify basic standards of the interview recruitment process.

Post-interview Communication and Contact

PDs and team members must avoid post-interview communication and any program-initiated communications with applicants are not allowed including verbal or written communication. Applicants may initiate written contact for follow-up questions and responses should be submitted in writing only. PDs cannot require thank you notes. Applicants may write “thank you” notes but PDs should not respond to maintain the intent of the policy.

Match Violations Process

The new Match policy provides a web-based identified or anonymous reporting form. This system establishes a SAU Match Violations Committee that is comprised of 3 rotating active SAU PDs from the 8 AUA sections that are selected by the SAU present and chaired by the SAU Executive Secretary who will act on behalf of the SAU to examine and investigate alleged violations. A written report from the SAU Executive Secretary will be provided to the SAU President and Executive Board, the latter of which will deliver the Final Report to the PD, Chair of the department and Designated Institutional Officer of the institution. Of note, this process does not include the American Board of Urology (ABU) or the Accreditation Council on Graduate Medical Education (ACGME). In terms of disposition and consequences, first-time violations may be referred to the AUA, ABU, or ACGME. Second-time violations might result in suspension of an applicant or program from the SAU-AUA Match with announcement of such on the SAU and AUA websites.

Conclusion

It is understood that the goal of the AUA Match is to remain objective, fair, and transparent in the recruitment and hiring of future urologists. However, the integrity of the Match process hinges on appropriateness of human interaction in a high-pressure situation and intentionally or not, there is bound to be violation of even the most straightforward rules. In recognition of the goal of the Match, there are certain actions that should and should not occur to support the veracity of this process. Applicants should not be prompted to explain their ranking plans or describe their interview offers or answer personal questions that do not address their professional qualifications. This requires a culture of respect for the applicants’ right to privacy and a genuine desire to allow the ranking of applicants and programs to occur without inappropriate influence to subvert the intent of a fair and orderly Match process.

Apart from policy to address Match violations, best practices that we should adopt as a national organization include providing professional development for faculty on their role in

upholding ethical standards of conduct during the Match process. Programs should analyze and standardize the interview process towards performance-based interviewing to minimize bias. Focusing the recruitment and interview process on identifying the “goodness of fit” instead of actively trying to influence applicant’s actions in the Match can simultaneously contribute to the goals of minimizing bias and ensuring that a resident who is ranked would thrive in a given program. Structuring the *content* of the interview to be job-related questions that seek examples of behavioral and situation responses and standardizing the *evaluation* of the interview with defined rating scales using multiple interviewers who are trained in the interviewing process can optimize the interview and limit rampant bias associated with illegal questions [9, 10]. These approaches are not so much policy as best practices for structuring the interview process on a foundation of fairness and standardization.

Finally, policing the behavior of so many involved in the complexity of residency recruitment is not the intended principle outcome, promoting ethical compliance with professional standards to achieve an equitable Match is. By aspiring as a community to meet the ideals and values of fairness and justice in the Match process, the urologic field models’ professionalism in the first few encounters as future urologists engage in our profession. With a commitment to uphold the Match policy guidelines, we advance our field to prepare future urologists to be ethical leaders of integrity in the field of medicine. If we avoid unethical behaviors and adopt productive practices, we lay the foundation for an objective and unbiased Match process in which both applicants and programs can optimize their chances at a fair and successful Match.

Compliance with Ethical Standards

Conflict of Interest Alejandra Balen and Jennifer Fantasia each declare no potential conflicts of interest.

Simone Thavaseelan was asked to Chair a Society of Urology (SAU) Task Force on Match Violations in order to understand the issue and provide recommendations for policy to the SAU. This was an unpaid voluntary appointment and resulted in presentation to the membership 2/19 and 5/19.

Human and Animal Rights and Informed Consent This article does not contain any studies with human or animal subjects performed by any of the authors.

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