

# West Virginia University School of Medicine

## Graduate Medical Education

### Prohibition of Non-Competition Agreements and Restrictive Covenants Policy

#### I. Purpose

To ensure compliance with the requirements of the Accreditation Council for Graduate Medical Education (ACGME) (**Institutional Requirement 4.13.**) and to protect the professional autonomy and career mobility of residents and fellows, this policy affirms that neither the Sponsoring Institution nor any ACGME-accredited program or Non-Standard Training program will require non-competition agreements or restrictive covenants as a condition of appointment, reappointment, or continued participation in Graduate Medical Education (GME).

#### II. Scope

This policy applies to:

- The West Virginia University School of Medicine as the ACGME Sponsoring Institution
- All ACGME-accredited residency and fellowship programs
- All Non-Standard Training programs
- All residents and fellows appointed within such programs

#### III. Policy Statement

The West Virginia University School of Medicine (WVU SOM) GME affirms that:

##### 1. No Requirement of Restrictive Covenants

Neither the Sponsoring Institution nor any of its ACGME-accredited residency or fellowship programs shall require a resident or fellow to sign:

- A non-competition agreement;
- A non-competition guarantee;
- A restrictive covenant; or

- Any contractual provision that restricts the resident's or fellow's ability to practice medicine or pursue employment following completion or separation from training.

## **2. No Condition of Appointment**

Execution of any such agreement shall not be a condition for:

- Initial appointment;
- Reappointment;
- Promotion; or
- Continued participation in a residency or fellowship program.

## **3. Post-Training Employment Contracts**

This policy does not prohibit residents or fellows, during or after completion of training, from voluntarily entering into employment agreements that may include restrictive provisions. However, such agreements:

- Shall not be required during training;
- Shall not be presented as a condition of satisfactory completion of training; and
- Shall not be incorporated into the resident/fellow agreement.

## **4. Program Compliance**

All residency and fellowship programs must ensure that resident/fellow appointment agreements and related documents comply with this policy and applicable ACGME Institutional Requirements.

## **IV. Oversight and Enforcement**

- The Designated Institutional Official (DIO) is responsible for oversight of compliance with this policy.
- Any resident or fellow who believes a restrictive covenant has been required in violation of this policy may report the concern to the DIO or through established institutional reporting mechanisms.
- Confirmed violations may result in corrective action at the program or institutional level consistent with GME governance procedures.

GME Taskforce Approval: 4/2/26

GMEC Approval: 4/10/26