

Working With Controlled Substances at UC Berkeley

Background Checks -- Questions & Answers

1. Who needs to complete a Criminal Background Check?

All principal investigators, staff, students, or volunteers who handle controlled substances in the course of University research must complete a criminal background check prior to being authorized to work with controlled substances.

2. Why is a Criminal Background Check necessary?

The Drug Enforcement Administration (DEA), an arm of the federal government, requires that screening be conducted on *all* individuals handling controlled substances to assess the likelihood of misuse.

3. I'm a faculty member. I thought faculty members were exempt from Criminal Background Checks.

In the normal course of campus business, faculty members are indeed exempt from Criminal Background Checks. But the use of controlled substances is governed by federal regulation, which trumps University policy. You are not getting the Background Check because you are faculty, but because you wish to conduct research using controlled substances.

4. What is a Criminal Background Check?

The Criminal Background Check is a combined California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) fingerprint search for criminal convictions. Results usually come back within seven business days from the DOJ and within 30 days from the FBI.

5. What is the process for a Criminal Background Check?

Notify your department's human resources or personnel department that you need to complete a background check and make an appointment to have your fingerprints taken by the UCPD at 102 Sproul Hall. Your department should pick up a Request for Live Scan Service form from the UCPD prior to the appointment. Your department will complete sections 1, 2, and 4 of the form. You fill out section 3. Take the completed form and a valid picture ID (driver's license, passport, etc.), to the appointment. The appointment will take approximately 15 minutes. Further instructions and sample forms are available at <http://www.ehs.berkeley.edu/healthsafety/controlsubs.html>.

6. Is there a charge for a Criminal Background Check?

Yes. The UCPD will recharge your research account or departmental account. The current cost of a Criminal Background Check is \$82.

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7. How do I find out about the results of a Criminal Background Check?

If you have no criminal history, the UCPD will notify you by letter immediately. If the Criminal Background Check reveals a criminal history, the UCPD will send you a summary of what the Criminal Background Check found.

8. Does a criminal conviction make me ineligible to work with controlled substances?

Not necessarily. A Criminal Background Check Review Committee will determine whether any criminal convictions have relevance to your use of controlled substances in research. A conviction for narcotics abuse and/or sale within the last five years would preclude you from being eligible to work with controlled substances; other convictions may not.

9. Are the results of my Criminal Background Check confidential?

Yes. The UCPD will maintain your Criminal Background Check results in a secure environment. The UCPD will not reveal the results to anyone but you, and, if the results show a criminal conviction, to the Criminal Background Check Review Committee. Of course, your department chair or principal investigator will infer the results of your Criminal Background Check if the Criminal Background Check Review Committee makes you ineligible to handle controlled substances. The Office of Environment, Health & Safety (EH&S), will receive notice of each background check that was successfully completed and enter that information into the Controlled Substances Database.

10. How far back does the check for criminal convictions go? Will it include all convictions?

The DOJ will report on conviction results in the State of California, and the FBI will report on national criminal convictions. Criminal background checks automatically report all past criminal convictions in a person's history, unless restricted by contract or law. Only drug related convictions within the past five years will be considered by the Review Committee.

11. Who are the members of the Criminal Background Check Review Committee?

The Criminal Background Check Review Committee is a standing committee comprised of the University of California, Berkeley's (UC Berkeley), Controller, Police Chief, and the head of Human Resources.

12. When should I go for a Criminal Background Check?

Get the background check as soon as you know you will be working with controlled substances. You are not allowed to handle or order controlled substances until *after* you have successfully passed the background check.

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13. Do I need to go for a Criminal Background Check every year?

No. The UCPD receives annual updates from the DOJ and FBI. If either update reveals a recent or pending criminal conviction, the UCPD will send the results to the Criminal Background Check Review committee to determine whether you may continue working with controlled substances. Otherwise, the update will be kept confidential.