

Working With Controlled Substances at UC Berkeley Background Checks -- Questions & Answers

1. Who has 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 background checks 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 done because you are faculty, but rather 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

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

Contact your department's HR and ask for forms/referral for background check for use of controlled substances. Forms you should receive are: The Request for Live Scan Service and The Controlled Substances Program Background Check Disclosure Form. Make an appointment at UCPD for background check., Take the completed forms and a valid picture ID (driver's license, passport, etc.) to the appointment. Further instructions and sample forms are available at <https://ehs.berkeley.edu/controlled-substances>

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

Yes. You should receive an Interdepartmental Order Form from the CSS HR and take it to the appointment.

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 promptly. If the Criminal Background Check reveals a criminal history, the UCPD will send you a summary of what the Criminal Background Check found.

Working With Controlled Substances at UC Berkeley Background Checks -- Questions & Answers

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

Not necessarily. A Criminal Background Check Review Committee will determine whether your criminal convictions have any 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 might 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. Your background clearance status (positive or negative) will be sent to EH&S.

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 UC Berkeley's Controller, Police Chief, and the head of Human Resources.

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

As soon as you know you'll be working with controlled substances.

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.