Background:
The Nuclear Regulatory Commission Order EA-07-305 and the New York City Department of Health Notice ORH 2008-01, have established new mandatory guidelines regarding increased controls for unescorted access to radioactive sources of concern. These controls require that unescorted access to high-activity radioactive sources will only be approved for “trustworthy and reliable individuals who have a job-related need”. These mandates include fingerprint submission and a Federal Bureau of Investigation (“FBI”) criminal history record check for any individual who has or is seeking to have unescorted access to certain radioactive materials in quantities of concern. Individuals without such approval may only access the restricted areas when accompanied at all times by someone who has unescorted access privileges.

Fingerprinting is required for all individuals seeking unescorted access; a background check is required only for individuals seeking unescorted access who have been employed or a full-time student at Columbia University for less than three years. The background check will include employment history, education, personal references, and a federal criminal history check. Please Note: New employees/students seeking unescorted access will be subject to background check in addition to fingerprinting.

In compliance with this law, fingerprints of the affected individuals will be taken by the Columbia University Public Safety Department and submitted by Columbia University’s Trustworthiness and Reliability Officials (T&R Officials) through the NRC to the FBI. The information received back from the FBI will be reviewed and confidentially considered by the T&R Officials in conjunction with the trustworthiness and reliability requirements in determining whether to grant the requested unescorted access. Prior to any final adverse determination the T&R Officials will make available to the individual the contents of any criminal records concerning that individual obtained from the FBI for the purpose of assuring correct and complete information. Columbia University may not disclose the record of personal information collected and maintained to persons other than the individual, his/her representative or to those who have a need to access the information in performing assigned duties in the process of determining unescorted access to certain radioactive material.

The Appointed T&R Officials for Columbia University are:
William Innes, Chief HR Officer
Thomas deLeon, Director, HR Systems and Operations
Brenda Arthur, Administrative Coordinator, HR Operations

The T&R Officials responsibility is to make a determination designed to identify past actions to help verify one’s character and reputation which provide reasonable assurance of an individual’s future reliability. Only those individuals who have successfully completed the fingerprinting screening process and background check (if applicable) will be able to work unsupervised in certain restricted areas containing radioactive materials.

There is a cost associated with these newly-mandated requirements, which is $26 per applicant for fingerprinting, and between $100 to $300 for the background check (for individuals at Columbia University for less than 36 months), depending on where the verifications are done (i.e. domestic vs. international, etc). These costs will be the responsibility of each PI or the relevant Department.
Procedures:
Principal Investigator (P.I.) will request an Unescorted Access Privilege packet from CUMC Human Resources (CUMC HR) by calling the main line at 212-305-4357, and choosing option #1 or by emailing Thomas deLeon at td2248@columbia.edu or Brenda Arthur at bla2107@columbia.edu.

The packet will include the following items:
- The Request for Unescorted Access Privilege Form (to be completed by both the applicant and the Supervisor)
- Fingerprinting Authorization Form (to be completed by the applicant)
- Consent and Disclosure Authorization Form for background check (to be completed by the applicant, if applicable)
- NRC Order imposing fingerprinting

Once applicant receives the packet and it is completed by both the employee and P.I., please return the packet in a confidential envelope and include a copy of the applicant’s resume, to CUMC HR located in the Black Building, Room 101, addressed to Thomas deLeon or Brenda Arthur. CUMC HR will then begin to obtain the necessary access.

Steps:
- CUMC HR will review the documentation in the packet to ensure completion.
- Background check will be requested through an outside vendor. Please be advised that background checks, depending on where the verifications are done (domestic vs. international) can vary between 1 to 4 weeks.
- CUMC HR will contact the applicant to precede to Public Safety, located in the Black Building, Room 109, to have fingerprinting administered.
- CUMC HR will advise Public Safety to process fingerprints for the applicant, through CUMC HR’s written authorization.
- Once the fingerprinting card is obtained from Public Safety, CUMC HR will proceed with sending the fingerprinting card to the Nuclear Regulatory Commission (NRC), who will then review and forward to the Federal Bureau of Investigations (FBI).
- The FBI will conduct a criminal history record check and send results to the NRC.
- The NRC will then send results to the T&R Officials in CUMC HR (Please note that the fingerprinting process can take up to 2 weeks from the initial date it is submitted to the NRC).
- Once both the background check and fingerprinting results have returned verified, the T&R Official will notify the Supervisor, Public Safety and Radiation Safety office, of the final status of the application, with a copy of the approval sheet (page 3) of the Request for Unescorted Access Privileges form. T&R Officials will keep sensitive data in a locked cabinet in a secured location.
- No unescorted access will be granted until all of the above has been completed.
- Questionable results will be reviewed by a committee that will consist of the advisement of General Counsel, T&R Officials, Public Safety and Radiation Safety.
- T&R Officials maintain a current list of approved individuals. This list is reviewed regularly on a monthly basis and updated immediately when new access is granted or when termination requests are received.
Appeal Process:
(Right to Correct and Complete Information)

Prior to any final adverse determination, CUMC HR shall make available to the applicant the contents of any criminal records obtained from the Federal Bureau of Investigation (FBI) for the purpose of assuring correct and complete information. If, after reviewing the record, an applicant believes that it is incorrect or incomplete in any respect and wishes to change, correct, or update the alleged deficiency, or to explain any matter in the record, the individual may initiate challenge procedures. These procedures include either direct application by the individual challenging the record to the agency (i.e., law enforcement agency) that contributed the questioned information, or direct challenge as to the accuracy or completeness of any entry on the criminal history record to the Assistant Director, Federal Bureau of Investigation Identification Division, Washington, DC 20537-9700.

In the latter case, the FBI forwards the challenge to the agency that submitted the data and requests that the agency verify or correct the challenged entry. Upon receipt of an Official communication directly from the agency that contributed the original information, the FBI Identification Division makes any changes necessary in accordance with the information supplied by that agency. CUMC HR will provide ten (10) days for the applicant to initiate an action challenging the results of an FBI identification and criminal history records check after the record has been made available for his/her review.

The T&R Officials along with a committee that will consist of the advisement of General Counsel, Public Safety and pertinent departments (i.e. Faculty Affairs and/or Student Affairs) may make a final unescorted access to certain radioactive material determination based upon the criminal history record only upon receipt of the FBI’s ultimate confirmation or correction of the record. Upon final adverse determination on unescorted access to certain radioactive material, CUMC HR shall provide the individual its documented basis for denial. Unescorted access to certain radioactive material shall not be granted to an individual during the review process. The employment status of an individual who is pursuing the review process will be handled on a case by case basis in light of operational needs (with alternatives including, but not limited to, temporary re-assignment where feasible or being placed on an administrative leave).

Guidelines for Evaluating Unescorted Access Privileges:

Unescorted access determinations require an evaluation of a person’s trustworthiness and reliability. When a person’s life history shows evidence of unreliability or untrustworthiness, questions arise whether the person can be relied on and trusted to exercise the responsibility necessary for working with risk-significant radioactive materials.

In evaluating the relevance for an individual’s conduct, the T&R Official will consider the following factors:

- The nature, extent, and seriousness of the conduct;
- The circumstances surrounding the conduct, to include knowledgeable participation;
- The frequency and recency of the conduct;
- The individual’s age and maturity at the time of the conduct;
- The extent to which participation is voluntary;
- The presence or absence of rehabilitation and other permanent behavioral changes;
- The motivation for the conduct;
- The potential for pressure, coercion, exploitation, or duress; and
- The likelihood of continuation or recurrence.
The T&R Officials will consider the following elements when evaluating the results of the FBI Identification and Criminal History Records Check:

- Committed, attempted to commit, aided, or abetted another who committed or attempted to commit any act of sabotage, espionage, treason, sedition, or terrorism.
- Publicly or privately advocated actions that may be inimical to the interest of the United States, or publicly or privately advocated the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means.
- Knowingly established or continued a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist, or revolutionary, or with an espionage agent or other secret agent or representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means.
- Joined or engaged in any activity knowingly in sympathy with or in support of any foreign or domestic organization, association, movement, group or combination of persons which unlawfully advocates or practices the commission of acts of force of violence to prevent others from exercising their rights under the Constitution or laws of the United States or any State or any subdivisions thereof by unlawful means, or which advocates the use of force and violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means.

The purpose of the Trustworthy and Reliability (T&R) determination requirement, for unescorted access is to provide reasonable assurance that those individuals are trustworthy and reliable, and do not constitute an unreasonable risk to the public health and safety, including the potential to commit or aid theft and/or radiological sabotage.

Responsibility:
All those who are granted unescorted access privileges are responsible for themselves and anyone they escort to a controlled device location. If you are escorting an individual who does not have unescorted access privileges, it is your responsibility to remain with the individual for the duration of their time with the controlled device. Failure to abide by these procedures may result in disciplinary action and/or termination.

Students with unescorted access privileges will be able to escort other personnel to the controlled device location; however, this would only be at the express direction of their PI.

Termination Procedure:
The department must notify a T&R Official whenever an individual’s access needs to be rescinded due to a change in employment/student/visitor status or position change within 24 hours of the status date using the Unescorted Access Request form. Terminated personnel files are retained in accordance with University Policy. When terminated personnel files are no longer required to be retained, they are destroyed/disposed of by a T&R Official in a cross cut shredder.

Sensitive Information Protection:
The T&R Officials store sensitive materials/information in a locked cabinet, inside a locked office. If sensitive material/information needs to be destroyed/disposed of, T&R Official will shred in a cross-cut shredder. If and when material/information needs to be transported, T&R Official will be the one transporting the sensitive information.