

Drone (Unmanned Aircraft) Use Policy

Date
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Item
F.47

PREMISE

This policy applies to University of Southern Indiana (USI) employees and students operating unmanned aircraft systems (UAS) on or above USI property or in any location as part of their University employment or as part of University activities;

The purchase of UAS with funding through the University, including University accounts, grants or USI Foundation accounts; and

The operation by any person of UAS or model aircraft on or above USI property.

POLICY STATEMENT

The operation of UAS, including drones and model aircraft, is regulated by the Federal Aviation Administration (FAA) and relevant laws. The University will establish procedures in an effort to ensure compliance with such legal obligations and to reduce risks to safety, security and privacy.

REASON FOR POLICY

USI must comply with FAA requirements, state and local law and any other applicable laws or regulations regarding UAS. Inherent risks in the operation of such equipment require additional insurance provisions and policy considerations. For more information regarding UAS, visit the FAA website at <http://www.faa.gov/uas>.

PROCEDURES

1. All USI employees and students are personally responsible for complying with FAA regulations, state, federal and local laws and University policies, including but not limited to, obtaining a Certification of Authorization or Certificate of Waiver (collectively "COA") or 333 Exemption as may be applicable.
2. Since publicly funded universities are considered public operators under FAA guidelines, any University employee or student wishing to operate a UAS as part of their University employment or as part of a University program may first need to obtain a COA issued by the FAA. USI's Risk Management office must be consulted and given a copy of the issued COA documents. Similarly, any University employee, student or department purchasing a UAS (or parts to assemble a UAS) with University funds or funds being distributed through a University account or grant funds must contact Risk Management to assess the University's ability to obtain a COA, qualify for other necessary FAA exemptions and/or meet state and local compliance requirements.
Exemption per FAA May 4, 2016 memo—"Students that operate model aircraft in connection with fulfilling an accredited educational institutions' curricula may conduct model aircraft operations for hobby and recreation purposes pursuant to section 336 of the FMRA, provided they do not receive compensation, directly or incidentally."

“Faculty may assist students with their model aircraft operations under section 336, provided that the operations are used to teach such curricula to students enrolled in these courses and the faculty member’s participation is limited to de minimis participation in the student’s UAS operations. The FAA emphasizes that faculty members who wish to operate UAS outside of these parameters must seek authorization...”

3. Any third party or hobbyist wishing to use a UAS or model aircraft on or above USI property must receive approval through Risk Management and Public Safety as set forth in this policy. Third parties or hobbyists must also provide proof of FAA approval, as applicable. Additionally, any hobbyist or third party who operates a UAS or model aircraft on or above USI property must execute documentation provided by the Risk Management office which holds the University harmless and indemnifies the University from any resulting claims, harm to individuals and/ damage to property, and provides insurance for the benefit of USI as required by Risk Management.
4. USI has a no drone policy unless the user notifies Public Safety at least 48 hours prior to the planned operation. Notifications are to be submitted in writing to Public Safety and must receive approval. Approval by Public Safety does not relieve the operator of the UAS or model aircraft from individually obtaining and complying with all other necessary approvals required by the FAA, state, federal or local laws.
5. The operator must include the following information in the notification to Public Safety:
 - a. Date, time and location of the operation;
 - b. Purpose of the operation;
 - c. Equipment to be used;
 - d. Identity and contact information for the operator;
 - e. Photos/data to be collected; and
 - f. Any other information relevant to the operation of the UAS or model aircraft.
6. Approval by the Public Safety office for the operation of the UAS or model aircraft, once given, may be rescinded by the University if it is determined that the information provided is incorrect, incomplete, or if circumstances have changed and a determination is made that the planned operation is not in the best interest of the University. The University also reserves the right to immediately order the cessation of any operation of UAS or model aircraft on or above USI property which is deemed to create a hazard or interference with USI property, any USI activity, and/or the USI community. Except as may otherwise be provided herein, all operators of UAS or model aircraft on or above USI property shall indemnify the University and shall hold the University harmless from any resulting claims, harm to individuals and/or damage to property.

APPROPRIATE AND PROHIBITED USES

- UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms. These areas include, but are not limited to, restrooms, locker rooms, individual residential rooms, changing or dressing rooms and health treatment rooms.
- UAS shall not be used to monitor or record residential hallways, residential lounges or the insides of campus daycare facilities.
- UAS shall not be used to monitor or record sensitive institutional or personal information which may be found, for example, in an individual's workspaces, on computers or other electronic displays.
- The proposed operation of the UAS must not pose an unacceptable threat to safety, privacy or the environment.

DEFINITIONS

USI property: Buildings, facilities, grounds and land that are owned by the University of Southern Indiana or controlled by the University via leases or other formal contractual arrangements to house ongoing USI operations.

COA: Certificate of Authorization or Certification of Waiver (as applicable). According to the FAA, the COA is an authorization issued by the Air Traffic Organization to a public operator (which include publicly funded universities) for a specific UAS activity. After a complete application is submitted, FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UAS can operate safely with other airspace users. In most cases, FAA will provide a formal response within 60 days from the time a completed application is submitted.

333 Exemption: A 333 Exemption is based on Section 333 of the FAA Modernization and Reform Act of 2012 which grants the Secretary of Transportation the authority to determine whether an airworthiness certificate is required for a UAS to operate safely in the National Airspace System. A grant of an exemption in accordance with Section 333 is generally granted in addition to a civil COA and may be used to perform commercial operations in low-risk, controlled environments.

Unmanned Aircraft Systems (UAS): UAS also are known as, or may be characterized as, drones. According to the FAA, a UAS is the unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft. UAS may have a variety of names including quadcopter, quadroto, etc. FAA regulation and this policy applies to UAS, regardless of size or weight.

Model Aircraft: Model aircraft are not for business purposes, only for hobby and recreation, and generally do not have the FAA requirement for special authorizations or waivers. Safety guidelines generally require that model aircraft weigh less than 55 pounds, operate below 400 feet, remain within the operator's line of sight, avoid operating over people or stadiums, remain clear of other aircraft, and avoid operating within five miles of an airport without prior control tower approval.

SANCTIONS

- Any violations of University policies by an individual will be dealt with in accordance with applicable University policies and procedures, which may include disciplinary actions up to and including termination from the University and/or restrictions regarding access to USI property.
- Legal prohibitions regarding physical presence on campus/trespassing and other legal action also may be pursued against third parties that operate UAS in violation of this policy.
- Fines or damages incurred by individuals or entities that do not comply with this policy or other applicable federal, state or local regulations will not be paid by USI and will be the responsibility of those persons or entities involved.

No statement, action or omission of the University shall be considered to be a waiver of any right, including, but not by way of limitation, any failure of the University to insist upon the strict performance of term or condition of this policy, or to exercise any right or remedy consequent upon a breach thereof. No remedy hereunder shall be deemed exclusive, but shall, whenever possible, be cumulative with all other remedies at law or in equity.

QUESTIONS OR CONCERNS

For questions or concerns regarding this policy, contact Risk Management and/or Public Safety.

POLICY CHANGES

The University may make changes to this policy to comply with necessary legal and regulatory requirements. The University recommends that individuals review applicable FAA regulations and this policy occasionally to familiarize themselves with any changes or alterations.