

Virginia State University Policies Manual

Title: Use of Unmanned Aerial Systems (DRONES)

Policy: 8100

Purpose

The purpose of this policy is to regulate the use of Unmanned Aircraft Systems (UAS) on property owned, controlled or leased by the University or in the airspace above such property.

This policy applies to all employees, students, volunteers, employees of affiliated organizations who are paid through the University, and visitors to the institution. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University. Students include all persons admitted to the University who have not completed a program of study for which they were enrolled; student status continues whether or not the University's programs are in session. Affiliated organizations are separate entities that exist for the benefit of the University through an operating agreement and include the Foundations, the Community Development Corporation, and the Alumni Association. Visitors include media, vendors and their employees, parents of students, volunteers, guests, uninvited guests and all other persons located on property, owned, leased, or otherwise controlled by the University.

Authority, Responsibility, and Duties

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern Virginia State University. See Code of Virginia section (§§ 23.1-2700 through 23.1-2705). The Board has delegated the authority to manage the university to the President.

State or Federal Statute and/or Regulations - The operation of UAS in the National Airspace System (NAS), including drones and model aircraft, is regulated by the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, 49 USC 47101, et seq.(FMRA), and the use of UAS by public bodies in the Commonwealth of Virginia by Code of Virginia §19.2-60.1. The use of a UAS also applies to Code of Virginia §18.2-386.1 concerning illegal capture of images of another person.

FAA Part 107 - Operation and Certification of Small Unmanned Aircraft Systems

FAA Part 333 - Specific Rules for Obtaining an Exemption Allowing Commercial UAS Flight

FAA Section 336 - Special Rules for Model Aircraft

Definitions

333 Exemption - Section 333 of the FAA Modernization and Reform Act grants the Secretary of Transportation the authority to determine whether an airworthiness certificate is required for a UAS to operate safely in the National Aircraft System.

Air Traffic Organization (ATO) The ATO is the operational arm of the FAA. It is responsible for providing safe and efficient air navigation services over all of the United States and portions of the Atlantic and Pacific Oceans and the Gulf of Mexico.

Academy of Model Aeronautics (AMA) - World's largest model aviation association, representing a broad membership, which is used as a frequent source for hobbyists to obtain insurance coverage.

Certificate of Authorization (COA) - A Certificate of Authorization or Waiver granted to an individual or entity by the FAA for a specific aircraft, for a specific activity, for a specific location. According to the FAA, the COA is an authorization issued by the Air Traffic Organization to a public operator for a specific unmanned aircraft activity.

Certificate of Waiver (COW) - A Certificate of Waiver is an authorization issued by the FAA for UAS operations that do not meet the provisions of Part 107 in its entirety.

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Commonwealth Risk Management Plan - The Commonwealth of Virginia's self-insurance plan covering state agencies, including Virginia State University.

Drones - An Unmanned Aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to safely and efficiently fly in the national airspace system weighing less than 55 pounds.

FAA Part 107 (107 or Small UAS Rule) - This rule establishes the operating and certification requirements to allow small unmanned aircraft systems (Small UAS) to operate for non-hobby and non-recreational purposes (Business Use). Part 107 eliminates the need for a COA or 333 Exemption in most cases.

FAA Section 336 of Public Law 112-95 (used herein as 336 or Hobbyist Rule) - This rule is established to allow non-commercial use of Small UAS to be flown by pure hobbyists for recreational purposes.

Model Aircraft - An FAA registered unmanned aircraft that is (1) capable of sustained flight in the atmosphere, H. R. 658-68; (2) flown within visual line of sight of the person operating the aircraft; (3) flown for hobby or recreational purposes; and (4) weighs less than 55 pounds.

Small UAS - An unmanned aircraft weighing between .5 pounds and 55 pounds and equipment necessary for the safe and efficient operation of that aircraft.

University Property Buildings, grounds and land that are owned or controlled by the university. This includes property leased, rented or otherwise contractually reserved for VSU operations, either permanently or on a temporary basis.

University – Related Operations - As used in these regulations, the term "University Facility" or "University Facilities" means any building or structure or any improved or unimproved land, or any part of any such building, structure, or land, which is owned, used, controlled or occupied by Virginia State University.

Unmanned Aircraft (UA) - A device used or intended to be used for flight in the air that has no onboard pilot. UAs do not include traditional balloons (see 14 CFR Part 101), rockets, tethered aircraft and un-powered gliders. It includes but is not limited to drones, aerals, multi-rotors, fixed wing, tilt-wing, and vertical take-off landing vehicles.

Unmanned Aircraft Systems (UAS) -UAS refers to small, unmanned aircraft systems, sometimes known as “drones,” normally under 55 lbs. 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, quadrotor, etc. FAA regulation applies to UAS regardless of size or weight. Model aircraft are not considered by the FAA as UAS and are covered under different regulations, but for the purposes of this policy, they are in scope under this policy.

UAS Oversight Committee (UASOC) The university committee charged with reviewing and approving all requests for UAS flights or activity on or over university property. This includes UAS uses in university curriculum, granted under separate COAs, and all other UAS flights or activities under other authorizations or exemptions, including but not limited to flights or activities by employees, students, vendors and other third parties.

Policy Statements

Virginia State University is an accredited institution with interest in the study, use, and development of Unmanned Aircraft Systems (UAS) and to do so is required to operate in compliance with Federal Aviation Administration (FAA) UAS regulations and guidelines.

UAS may not be operated from, on, or over university facilities or property without advance approval from the Office of Police and Public Safety. Operation of UAS shall only be permitted when prior approval has been granted, and when flight will not interfere with the academic enclave.

Authorization by the FAA to operate a UAS does not constitute permission from the university. Certificates of Authorization issued by the FAA to UAS operators shall only be used in accordance with the terms under which they were issued and in conjunction with university approval.

UAS and Model Aircraft Operations

Requests to Operate UAS

Individuals or organizations seeking to operate UAS on or above university property or at a university-sponsored event must submit a completed UAS Request Form requested by emailing the request form to police@vsu.edu at least two weeks in advance of the planned flight or operation.

1. Any university employee wishing to operate UAS as part of university employment or a university program must be certificated as required under FAR PART 107.
2. Any university employee, student or academic unit purchasing a UAS (or the parts to assemble a UAS) or contracting UAS services with university funds or funds being disbursed through a university account or grant funds, must notify and request approval through the UASOC. This is required in order for the university to meet a responsibility to investigate any required FAA waivers, and to meet state compliance requirements.
3. All outdoor UAS operations must be approved by UASOC. UAS must be properly registered and marked per FAA UAS guidelines and flown within the specified parameters of the registry act (e.g., under 400ft above ground level, away from stadiums, people, etc.) in order to receive approval from UASOC for use on university property. Any third party professional or hobbyist wishing to use UAS (including a model aircraft) over university property must first receive approval through UASOC, with the following exception:
4. No prior approval by UASOC is required for use of a UAS indoors by university community members, except at university events. UAS flown indoors do not fall within the authority of the FAA. However, UAS flown indoors shall comply with university policy guidelines for safety. No UAS operations will be conducted at any indoor event without written permission from UASOC, Department of Police and Public Safety and other appropriate university administrators.
5. Operation of a UAS by a third party professional or hobbyist over university property must include a signed written agreement which holds the university harmless from any resulting claims or harm to individuals and damage to university property and attest to \$1 million insurance coverage.
6. Third party professionals or hobbyists requesting permission to use UAS must provide proof of FAA certification of the operator and registration of the aircraft.
7. A third party professional or hobbyist's use of UAS must comply with all other applicable university policies, including all safety guidelines, and must not disrupt or interfere with university operations.

Drone Pilots

All Pilots of UAS must observe the following:

1. Have sufficient training in the safe operation of UAS to fulfill all university and FAA requirements;
2. Complete the applicable section(s) of the Unmanned Aerial System Training Self-Certification Statement form;
3. Be solely responsible for the safe operation of the UAS;
4. Demonstrate ability to control the UAS during flight, utilize at least one flight observer, and complete at least three safe take-offs and landings under qualified observation;
5. Complete the pre- and post-flight steps outlined in the Unmanned Aerial System Flight Safety Checklist for each attempted flight, and the pre- and post-operations steps for each operational session.

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6. Be responsible for all expenses related to facility rental, use, and any damages or claims resulting from UAS operations.

Restrictions on UAS, Drones and Model Aircraft Operations

All operation and use of drones must specifically comply with the following:

1. Operators shall not fly a drone over groups of people.
2. Operators shall not allow the drone to go beyond the visual line-of-sight.
3. Operators shall not interfere with manned aircraft operations and must give the right-of-way to all manned aircraft.
4. Operators shall not fly a drone above 400 feet.
5. Operators shall not fly a drone near emergency response efforts, such as fires or vehicle collisions.
6. Operators shall not fly a drone in a careless or reckless manner.
7. Operators shall not fly a drone while impaired.
8. Operators shall not fly a drone near or in an open stadium, within one hour before or after a scheduled event or within a three (3) nautical mile radius while a football game is occurring.
9. Operators shall not fly a drone that exceeds a weight of 55 pounds.
10. When operating a UAS for purposes of recording or transmitting visual images, operators must take all reasonable measures to avoid violations of areas normally considered private. Virginia State law §18.2-386.1 provides that a person has a reasonable expectation of privacy, making it unlawful to photograph someone without their consent where they would expect to have privacy. Virginia State University has established these restrictions on UAS and model aircraft use:
 - a. UAS and model aircraft will 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.
 - b. UAS and model aircraft will not be used to monitor or record residential hallways, residential lounges, or the interior of daycare facilities on property owned, controlled or leased by the University.
 - c. UAS and model aircraft will not be used to monitor or record sensitive institutional or personal information that may be found, for example, on an individual's workspaces, computer or other electronic displays.
 - d. If images will be viewed or captured during the use of the UAS and model aircraft, additional information is required on the Unmanned Aircraft Systems (UAS) Request Form. **(Attachment A)**
 - e. Photos and video will be limited to areas and subjects required to achieve the purposes identified in the UAS and Model Aircraft Application.
 - f. If identifiable images are captured, it is expected that reasonable safeguards will be used to protect the data.
 - g. If operating the UAS and model aircraft in a foreign country on property controlled or leased by the University, the operator shall verify with the international sponsor whether or not this activity complies with national and local laws.
 - h. Operation of a drone or Model Aircraft indoors is strictly prohibited.

Approvals and Exemptions

After a complete application is submitted, the UASOC will determine whether an FAA waiver is required. The UASOC will submit the necessary request to the FAA. The FAA conducts a comprehensive operational and technical review of all waiver requests. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UAS can operate

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safely with other airspace users or large spectator groups not directly participating in operations. In most cases, the FAA will provide a formal waiver responses within 90 days from the time a completed request is submitted.

If FAA approval is needed, no permission from the university will be granted to a user unless and until the FAA's formal response granting a waiver is received.

Use of UAS in Course Work

Faculty teaching courses may assist students who are operating a UAS, provided the student maintains operational control of the UAS such that the faculty member's manipulation of the UAS is incidental to the student's control (e.g., the faculty member steps in to regain control in the event the student begins to lose control, to terminate the flight, etc.). Faculty members may need proper FAA certification depending on the intended use of UAS. UASOC will help guide faculty members in meeting any certification requirement.

All faculty teaching courses where a UAS may be used must request permission for flights and register any university owned UAS through the UASOC. Faculty are responsible for briefing students on the appropriate and safe practices for UAS use prior to flight.

Recording of Private Spaces

UAS shall not be used to monitor or record any use or surveillance of private spaces. 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 that may be found on an individual's workspaces, on computer or other electronic displays, or in private or business meetings or conversations.

Unintentional Data Collection

Any data inadvertently obtained on non-consenting individuals or their property must be eliminated immediately. When unintentional data collection occurs, all reasonable efforts must be made to ensure that these data are not abused in any manner or transmitted outside of the test area. Collection, use and dissemination of the data must be limited to the provisions of the approved project. Protocols for the use, distribution, security, and retention of collected data must comply with university policy.

In operating a UAS for purposes of recording or transmitting visual images, operators must take all reasonable measures to avoid violations of private spaces. Virginia state law provides that a person who knowingly or intentionally places a camera or electronic surveillance equipment that records images or data in violation of an expectation of privacy commits a Class A misdemeanor.

Student Gathered Data

In accordance with FAA regulations, use of student gathered data, flight video or other materials for commercial use is prohibited. Any operation not conducted strictly for hobby or recreation purposes may not be operated under the special rule for model aircraft. Commercial operations are not considered a hobby or recreational flight. Flights that are in furtherance of a business, or incidental to a person's business, are not considered a hobby or recreation flight.

Use of Model Aircrafts

Private individuals using model aircraft on or above university property are required to abide by FAA rules for model aircraft. Model aircraft must be kept within visual sightline of the operator, and should weigh no more than 55 pounds unless certified by an aero-modeling community-based organization. Model aircraft must be flown below 400 feet and clear from populated areas under FAA regulations. No model aircraft may be flown on or above any populated university property without applying for and obtaining advance permission from the UASOC.

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Exceptions

1. **Emergency Use by Law Enforcement:**

The operation of UAS by the University Police Department are exempt from this policy based on the determination of emergency needs, provided the department has had sufficient training on the specific model UAS to be employed and adheres to FAA certification guidelines. In accordance with Section 19.2-60.1 of the Code of Virginia, no state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations shall utilize UASs except during the execution of a search warrant. However, an UAS may be deployed without a warrant when an Amber Alert, Senior Alert or Blue Alert is activated; where use of UAS is determined to be necessary to alleviate an immediate danger to any person; for training exercises related to such uses; or if a person with legal authority consents to the warrantless search.

2. **Non-University Property:**

This policy does not apply to the use of UAS on or over property not owned or controlled by the university. However, all university community members seeking to use a UAS owned or licensed to the university on or above other property must receive approval for such use in advance from the UASOC.

Sanctions

The FAA has the right and responsibility to enforce FAA policies. Violators of FAA policy may face criminal or civil penalties. Fines or penalties incurred by individuals or units that do not comply with this policy will not be paid by Virginia State University and will be the responsibility of those persons involved.

Violations of university policy by employees or students will be addressed in accordance with appropriate university policies and procedures, which may include disciplinary action up to and including, but not limited to, termination from employment, dismissal from the university and/or legal action.

Trespassing by third parties, including trespassing via Model Aircraft or UAS, will be addressed according to university policies and may result in no trespass orders and/or legal action.

Any individual or organization found to be operating a UAS on university property or at a university sponsored event in violation of their FAA approved status, or any federal, state and local laws or regulations, or in violation of applicable university policies may be directed by authorized university representatives to immediately cease UAS operation unless or until approval is obtained.

Illegal use of UAS may subject the user to criminal prosecution, and the UAS may be subject to seizure by law enforcement authorities.

Under FAA guidelines, Temporary Flight Restrictions (TFR) may be implemented on university property or at a university sponsored event, which prohibit any type of UAS operations from taking place (e.g., university sporting events). As needed, the university may issue additional No Drone Zones on university property or any university sponsored event, which prohibit any type of UAS operations from taking place at all times.

The approval of a UAS operation on campus does not alleviate the operator from any and all costs associated with the retrieval of UAS from university structures, restricted areas, or treetops. Retrieval costs of UAS vary by location, manpower, and equipment needed. Retrieval services can be coordinated by Facilities Management Work Control at 568-6106.

Liability Insurance Requirements

Proof of aviation liability insurance shall be required for issuance of an operator's permit.

1. The Director of Risk Management will arrange for aviation liability insurance for all University-owned UAS or those formally on loan to or leased by the University for the benefit of the University. The University department with the UAS will be responsible for the cost of this insurance.

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2. Third party, or hired contractors providing drone services on behalf of the university, in addition to all items listed above, the vendor/operator must:
 - a. Possess proof of Part 107 compliance with applicable CoW or proper FAA Exemption before any operations take place.
 - b. Comply with all FAA regulations, state and federal laws, and existing university policies.
 - c. Be under contract that holds the university harmless and indemnifies from any claims resulting from harm to individuals or damage to property, university-related or otherwise.
 - d. The contract must be executed under the appropriate procurement and contracting guidelines of the university.
 - e. Vendor shall be required to maintain at a minimum liability insurance for bodily injury and property damage in an amount of not less than \$2,000,000) that extends to the use of drone.
3. All other UAS operators operating under Small UAS Rules, Hobbyist Rules or other FAA authorization are responsible for providing evidence of aviation liability insurance in the amount of not less than \$2,000,000. Such evidence will be submitted with a copy of the operator's RPIC license, or if under the Hobbyist rules, the operator's FAA registration card or certificate, at the time of making application for a permit to operate a UAS on University property.

Other University-Related Operations

1. Any individual purchasing a drone with funding obtained through the University, University Foundation or a grant account **MUST** report the purchase and intended use to the Office of Risk Management contact referenced above in order to activate appropriate insurance coverage. Any individual who has in the past purchased a drone and intends to use that drone under this policy must register the existing drone with the Office of Risk Management.
2. Any individual wishing to operate a drone for university business or program-related purposes must satisfy all sections of this policy as well as applicable Part 107 requirements, including registration of aircraft with the FAA and any necessary CoW, or have evidence of 333 Exemption or COA issued by the FAA.

UAS and Model Aircraft Compliance

1. Any operation or use of a drone that violates FAA regulations or laws is prohibited and it is the responsibility of the operator to ensure compliance with all such regulations or laws. Failing to comply with any of these various regulations may result in significant fines and significant personal liability to the Operator.
2. Any operation or use of a drone that violates this policy will be reported to the relevant university officer as a violation of university rules and the operator will be subject to applicable disciplinary sanctions.

Policy Interpretation

The authority to interpret this policy rests with the President and is generally delegated to the Vice President for Administration. The Vice President for Administration is responsible for the oversight of this policy.

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References

Federal Aviation Administration, Summary of Small Unmanned Aircraft Rule (Part 107)

Federal Aviation Administration, Integration of Civil Unmanned Aircraft Systems (UAS) in the National Airspace System (NAS) Roadmap, 2013

Commonwealth of Virginia by Code of Virginia §19.2-60.1.

Commonwealth of Code of Virginia §18.2-386.



Approved By: _____
President

Date: 8/13/2018 _____

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Attachment A



Office of Police and Public Safety

Unmanned Aircraft Systems (UAS) Request Form

This UAS Request Form must be completed in its entirety and submitted to police@vsu.edu for review and approval by the Office of Vice President of Administration or Chief of Police prior to any UAS operations on University property or at any University sponsored event. University faculty, staff, graduate associates, students, or others conducting operations on behalf of the University must submit this document not less than two (2) weeks in advance of flight operations.

Individuals who are not affiliated with the University or who are not conducting University sponsored operations must submit this form not less than three (3) weeks in advance of flight operations. The Requester will receive a response within 10 working days of request receipt. Prior to submission of this form, the Requester must review the Unmanned Aircraft Systems policy. Any omission of information requested in this form may result in a delay of processing.

SECTION 1: REQUESTOR INFORMATION

Applicant Full Name: First M.I. Last

Affiliation: University (Current University Faculty, Staff, Graduate Associate or Student) Non-University

ODU Department or Organization:

Address:

Email Address:

SECTION 2: PURPOSE OF UAS REQUEST/PROPOSED ACTIVITY

Provide full details of flight purpose (education, research, promotional, etc.), including identity of UAS operator(s) and/or flight team. Depending on your intended use and activities associated with the use of your UAS, there may be other university approvals required before you can operate your UAS on University property or at University events. For example, any activities that involve videography, photography or recording must first be approved through the Office of Vice President of Administration or Police and Public Safety.

Specific Location of Activity:

Date(s) of UAS Activity: Starting Time: Ending Time:

SECTION 3: UAS DESCRIPTION

Type/Model of UAS:

Weight/Dimensions: Power Source/Serial #:

Previous Request Approved Yes No If Yes, Date of Previous Approval:

UAS Registered with FAA Yes No If Yes, Registration Number:

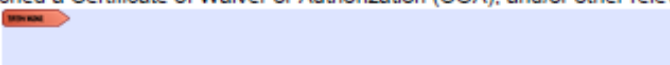
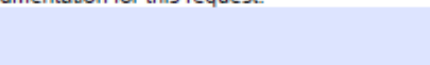
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Photographs taken during flight Yes No Video recorded during flight Yes No
Equipped with Geo-fencing Yes No Operating under a COA/333 Yes No

I have attached a Certificate of Waiver or Authorization (COA), and/or other relevant documentation for this request.

 
Signature _____ Date _____

By signing above, the individual/entity submitting this form warrants they have read the VSU UAS Policy and agrees to and will abide by all university policies governing the use of Unmanned Aircraft Systems on or over university property or sponsored event. A copy of the approved UAS Request Form must be in possession of the operator at all times during the activity, and must be presented to any university official or representative with control or jurisdiction over the activity, upon request. The university reserves the right to request additional documentation as a condition of approval and operation. In addition, any operator violating any portion of the University Unmanned Aircraft Systems (UAS) Policy, will be held accountable for their actions.

SECTION 4: UAS APPROVAL DESIGNEE RESPONSE

Request Approved Yes No

UAS Approval Designee comments or requirements for operation are listed below and must be observed. If not approved, a summary of the decision is outlined.

VSU Official approving this request:

Signature: _____ Date: ____/____/____