

University Policy

Use of Drones/Unmanned Aircraft Systems (UAS)

Revision Date: 6/13/18

Purpose:

The University of Wisconsin-Milwaukee recognizes that the operation of Unmanned Aircraft Systems (UAS) also referred to as “drones” are popular for both recreational and educational usage. This policy establishes minimal requirements for the safe operation of unmanned aircraft systems and shall be a reference for each campus to use to assist with compliance with Federal Aviation Administration (FAA), state laws and university policies. The FAA is responsible for the regulation and oversight of civil aviation within the U.S.

Scope:

This policy applies to all members of the university community, including but not limited to employees, students, clubs, organizations, vendors and any other individuals who are operating a UAS as part of their employment or as part of any university-related research or activity. This policy also applies to any person or entity not affiliated with the university that may operate a UAS on university property or land. This includes recreational and non-recreational aircraft. Any person operating a UAS on university land is personally responsible for complying with FAA regulations, state and federal laws and university policies.

Definitions:

333 Exemption: The 333 Exemption is used only if the pilot cannot operate under Part 107. FAA based this exemption on Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) 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.

Certificate of Authorization or Waiver (COA): The COA is used only if the pilot cannot operate under Part 107. According to the FAA, the COA is an authorization issued by the Air Traffic Organization to a public operator for a specific UAS activity. After a complete application is submitted, FAA conducts a comprehensive operational and technical review.

Model Aircraft: Model aircraft are considered UAS and viewed differently by the FAA than other UAS and have different regulations. Model aircraft operations are for hobby or recreational purposes only and are not for business purposes. Model Aircraft should be flown only in designated areas, fly no higher than 400 feet, be within eyesight of the operator at all times, not intentionally flown over unprotected persons or moving vehicles and remain at least 25 feet from individuals and vulnerable property. Statutory parameters of a model aircraft operation are outlined in Section 336 of Public Law 112-95 (http://www.faa.gov/uas/media/Sec_331_336_UAS.pdf). Use of a UAS related to the university does not qualify as model aircraft.

Part 107: FAA regulation that allows for the commercial, non-recreational use of small unmanned aircraft systems (UAS) weighing less than 55 pounds. FAA Part 107 eliminates the need for a COA or 333 exemption in most cases. A remote pilot in command certification is required.

Pilot in Command: An unmanned aircraft that is flying in a state of direct control by a UAV operator. The operator is referred to as the Pilot in Command.

Remote Pilots Certificate: Certification required for all UAS operators who operate a UAS under Part 107.

University Lands: University lands means all real property owned by, leased by, or otherwise subject to the control of the Board of Regents.

Unmanned Aircraft Systems (UAS): 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. A UAS may have a variety of names including drone, unmanned aircraft vehicle, unmanned aircraft, quadcopter, quadrotor, etc. **FAA regulation applies to UAS regardless of size or weight.**

Policy Detail:

1. The operator of *any* UAS (commercial or hobbyist) must abide by all federal, state, and city laws.
2. Any UAS use by a university employee or student, who wishes to operate a UAS as part of their university employment or as part of a university program, including those requesting to fly in another country, must receive approval through the Risk Management Department (or other administrative department or committee as determined by the university) and provide proof of a Part 107 license as Remote Pilot Certificate or other proof of FAA approval. A list of approved registrations will be maintained by the campus Risk Management Department. For UAS use in other countries, the employee or student making the request is responsible for providing the campus with a copy of the rules and regulations for that country and providing written evidence/plan of satisfying all these requirements to the authorizing campus unit.
3. Any University employee, student, or unit purchasing a UAS (or parts to assemble a UAS), or UAS services with university funds or funds being disbursed through a university account, or grant funds, must contact the Risk Management Department or other administrative department or committee as determined by the university and provide proof of a Part 107 license as RPIC or other proof of FAA approval. A list of approved registrations will be maintained by the campus Risk Management Office.
4. If any third party or hobbyist wishes to use a UAS or model aircraft over university lands or property, the individual must receive approval through the Risk Management Department (or other administrative department as determined by the university or committee). Third parties planning to use a UAS must also provide proof of required certifications, registrations, or other documents issued by the FAA. In addition, operation of a UAS by a third party or hobbyist over university property must be under a contract which holds the university harmless from any resulting claims or harm to individuals and damage to university property and they must also provide the university with proper proof of insurance as required from the Risk Management Department.

5. In operating a UAS (non-hobby or hobby use) for purposes of recording or transmitting visual images, operators must in addition to the above requirements, take all reasonable measures to avoid violations of areas normally considered private.
6. A 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, campus daycare facilities, and health treatment rooms. Note: In Wisconsin, it is a misdemeanor for a private individual to use a drone to “photograph, record, or otherwise observe another individual in a place where the individual has a reasonable expectation of privacy.” (Wis. Stat. § 942.10).
7. A UAS shall not be used to monitor or record sensitive institutional or personal information which may be found, for example, on an individual's workspace, on a computer or other electronic displays.
8. Overseeing departments are responsible for providing or ensuring operators are trained in the use of the drone in which they will operate.
9. Operators shall be mindful of the safety of people and risk of property damage and aware of potential failure modes for their systems. All built-in safety features shall be tested before flying.
10. Operators must be in line of sight during operation over university lands and always avoid flying over crowds.
11. If the university arranges for a contractor or a third party to use a UAS for purposes associated with a university facility, event, or project, the contractor must adhere to all FAA requirements and campus policies and provide the university with proper proof of insurance as required from the Risk Management Department and add the “Board of Regents of the University of Wisconsin System, its officers, employees and agents as an additional insured.”
12. No university owned UAS shall be rented, leased or lent to a non-university party.
13. If an employee or student uses his/her personally owned drone for university business, the employee's personal insurance coverage is primary. The employee will need to provide proof of insurance as required by the Risk Management Department and sign a contract.

Failure to follow this policy may result in disciplinary action and could lead to local and federal penalties.

Updates of the policy

This policy may be updated as appropriate in light of institutional experience and external regulatory changes.

Additional Information:

- http://knowbeforeyoufly.org/wp-content/uploads/2015/01/KBYF_Brochure.pdf
- <http://www.faa.gov/news/updates/?newsid=85528>
- B4UFLY smartphone app: <http://www.faa.gov/uas/b4ufly/>
- <http://www.faa.gov/uas/>
- http://www.faa.gov/uas/getting_started/