

UW-Eau Claire

Title: Unmanned Aircraft Systems

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1. **POLICY PURPOSE**

This policy establishes minimal requirements for the safe operation of unmanned aircraft systems (UAS) at UW-Eau Claire, which includes compliance with the Federal Aviation Administration (FAA) regulations and state laws. The FAA is responsible for the regulation and oversight of civil aviation within the U.S.

2. **SCOPE**

This policy applies to all members of UW- Eau Claire, including but not limited to employees, students, clubs, organizations, vendors and any other individuals who are planning to operate or 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.

3. **BACKGROUND**

This policy was developed to aid in ensuring that all members of UW-Eau Claire and visitors to the universities, who are planning to operate a UAS, are abiding by all federal, state regulations and UW-Eau Claire policies and procedures.

4. **DEFINITIONS**

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 (drone) 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.

5. POLICY STATEMENT

- a. The operator of any UAS (commercial or hobbyist) must abide by all federal, state, city and university laws and policies.
- b. Any UAS use by a UW-Eau Claire employee or student, who wishes to operate a UAS as part of their university or as part of a university program, including those requesting to fly in another country, must receive approval through the Department of Risk Management and Safety 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 Risk Management and Safety Office. 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.
- c. Any UW-Eau Claire 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 and Safety Department 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 Risk Management and Safety.
- d. If any third party or hobbyist wishes to use a UAS or model aircraft over university lands, the individual must receive approval through Risk Management and Safety. 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. Proper proof of insurance must also be provided to the university with the following minimum scope and limits of insurance:
 - Aviation Liability Insurance-Limits no less than \$1,000,000 per occurrence.
 - The Board of Regents of the UW System, its officers, employees, and agents need to be added as an additional insured.
- e. 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, residential hallways, residential lounges, 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).

- f. A UAS shall not be used to monitor or record sensitive institutional or personal information that may be found, for example, on an individual's workspace, on a computer or other electronic displays.
- g. Overseeing departments are responsible for providing or ensuring operators are trained in the use of the drone in which they will operate.
- h. 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.
- i. Operators must be in line of sight of the UAS during operation over university lands and always avoid flying over crowds.
- j. 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 UW-Eau Claire Risk Management and Safety office and add the "Board of Regents of the University of Wisconsin System, its officers, employees and agents as an additional insured."
- k. No university owned UAS may be rented, leased or otherwise provided to a non-university party.
- l. If an employee or student is approved to use his/her personally owned drone for university business, the employee's or student's personal insurance coverage is primary. The employee or student must provide proof of insurance as required by the UW-Eau Claire Risk Management and Safety office and sign an agreement.
- m. Accident/incident reporting: The FAA requires notification of certain UAS accidents (https://www.faa.gov/uas/report_accident/) no later than 10 days by the remote pilot in command after an operation that involves at least one of the following:
 - Serious injury to any person or any loss of consciousness; or
 - Damage to any property if the cost to repair (including materials and labor) exceeds \$500.
 In addition, all incidents and accidents involving any injury to persons, any damage to property (other than the UAS), or any other violations stated in the above policy shall be reported to the UW-Eau Claire's Risk Management and Safety office.

6. RELATED DOCUMENTS

FAA Website (general UAS information) <https://www.faa.gov/uas/>

FAA Website (Report an Accident): https://www.faa.gov/uas/report_accident/

WI State Statute 942.10, *Use of a drone*: <https://docs.legis.wisconsin.gov/statutes/statutes/942/10>

7. SCHEDULED REVIEW

As needed.

Signature

Approved by Diane Hunter, Interim Director
of Risk Management & Safety, 9/11/2018