



OLD DOMINION UNIVERSITY

University Policy

Policy #3015

UNMANNED AIRCRAFT SYSTEMS (UAS) aka DRONES, AERIALS AND OTHER POWERED MODEL AIRCRAFT

Responsible Oversight Executive: Vice President for Administration and Finance

Date of Current Revision or Creation: February 14, 2018

A. 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.

B. AUTHORITY

[Virginia Code Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[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

C. 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.

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 Waiver or Authorization (COA) – An authorization by the FAA for the public operation of unmanned aircraft (UA).

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

Control Station – A control station is a land- or sea-based control center providing for human control of unmanned aircraft.

Data Link – In UAS aviation, the data link is the command and control link between the remotely-piloted aircraft and the remote pilot station for the purpose of managing the flight.

Drones – See “Unmanned Aircraft.”

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.

Institutional Review Board – a federally required committee that reviews research, using Federal standards, for the protection of human subjects.

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.

National Air Space (NAS) – Air space controlled by the Federal Aviation Administration (FAA).

Operator’s Permit – A document issued by the Office of Risk Management authorizing use of a UAS that should be in the possession of the operator while operating the UAS.

Part 61 – The administrative authorization section of the FAA allowing general aviation and private pilot licensing. Those pilots with a current Part 61 authorization are granted permission to act as a Remote Pilot in Command (RPIC) for UAS without additional certification.

Remote Pilot in Command (RPIC) – An authorization available through the Small UAS Rules to allow an operator of Small UAS to become licensed to pilot Small UAS in most circumstances.

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

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) – An unmanned aircraft and its associated control station (ground, ship, or air-based) and data link used for non-recreational purposes. Additional elements may include support equipment, payloads, flight termination systems, and launch-recovery equipment.

D. SCOPE

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.

E. POLICY STATEMENT

Old Dominion 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.

Anyone desiring to operate a UAS under the Small UAS Rules, Hobbyist Rules or the 333 COA Exemption on property owned, controlled or leased by the University or in the airspace above such property is required to submit a completed [Unmanned Aircraft Systems \(UAS\) Request Form](#) to the Office of Risk Management in order to obtain an operator's permit.

Those applying for an operator's permit are required to comply with the [FAA's UAS regulations](#). Issuance of an operator's permit by Old Dominion University does not waive or release an operator from FAA compliance and any legal liability assumed through the operation of a UAS.

University UAS operators issued a permit must present the permit along with a copy of their University ID or other government-issued photo ID to any University employee or member of the University Police Department upon request. Failure to do so may result in the revocation of the operator's permit and immediate cessation of operation of the UAS on property owned, controlled or leased by the University or in the airspace above such property. University employees who encounter a UAS operator who fails to provide a permit upon request should contact the Director of Risk Management or (if not within normal business hours) the Department of Public Safety.

F. PROCEDURES

1. UAS Approval Committee

A UAS Approval Committee (UAC) consisting of representatives from the Office of Risk Management, Office of Environmental Health and Safety, ODU Police Department, Office of Emergency Management, College of Engineering and Technology, and Office of University Counsel (*ex officio*) will be established to approve all applications requesting authorization to operate a UAS under the Small UAS Rules or Hobbyist Rules.

The UAC will review applications for an operator's permit for compliance with this policy, FAA regulations and established guidelines. If the application is deemed to request operation within established Small UAS Rules, regulations and guidelines, the UAC or its delegate will issue a permit for the operation of the UAS with a Remote Pilot in Command (RPIC).

The UAC will develop and provide guidance to students, faculty and staff on the following FAA requirements:

- a. UAS and model aircraft operations
- b. Small UAS licensing as RPIC
- c. Legal liability assumed by operation of UAS on property owned, controlled or leased by the University or in the airspace above such property

The UAC is authorized to delegate day-to-day oversight of management of this policy, including approval and issuance of UAS operator's permits, to the Director of Risk Management for those applications meeting standards established by the UAC, subject to UAC ratification. Those applications falling outside established standards will be presented to the members of the UAC for review, approval, rejection or request for modification.

2. Notification to FAA Aircraft Control Towers and Heliports

In compliance with the Small UAS Rules, the Director of Risk Management is authorized to issue notification to any airports and heliports within five miles of property owned, controlled or leased by the University, including but not limited to, NAS Norfolk, Norfolk International Airport, Sentara Norfolk Heliport, Langley Air Force Base, and others as required, informing them of Old Dominion University's intention to permit the operation of UAS within the airspace of its borders.

3. Rules Waivers

The Small UAS Rules contain operational limitations that may be waived upon application to the FAA for a waiver demonstrating the operation can be safely conducted under the terms of a certificate of waiver. Should the application for any Small UAS Rules waivers not be approved by the FAA, a 333 exemption or a Certificate of Waiver or Authorization (COA) might be required. The UAC or its delegate will advise the applicant if either is required. Should a 333 exemption or COA be required, the requesting department will be responsible for making application for it with assistance from the Office of Risk Management.

4. Obtaining Remote Pilot In Command (RPIC) Licensing

In most cases UAS operators flying under the Small UAS Rules are to become licensed as an RPIC. The following licensing guidance on becoming an RPIC is offered:

- a. [Becoming a Pilot](#)
- b. Study Materials: [Advisory Circular](#), [Remote Pilot Airman Certification Standards](#)
- c. [Sample Knowledge Test](#)

Holders of a Part 61 license from the FAA who have had a review within two years may become an RPIC by taking the online course. Others may take the course as a study aid for meeting the requirements above.

5. Liability Insurance Requirements

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

- a. 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.
- b. 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.
- c. Hobbyist Operators can obtain the required aviation insurance from membership in the [Academy of Model Aeronautics \(AMA\)](#) or similar organizations.

6. UAS and Model Aircraft Operators Without a Permit

UAS and model aircraft operators found operating a UAS or model aircraft on University property without a permit will be asked to discontinue operations until an Unmanned Aircraft Systems (UAS) Request Form is submitted and a permit is issued.

7. Restrictions on UAS, Drones and Model Aircraft Operations

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. ODU has established these restrictions on UAS and model aircraft use:

- a. Student groups requesting to race drones or other activities posing similar risks are to be referred to the ODU Student Drone Club for approval and management of the event. In all cases, established FAA regulations shall be followed.
- b. Student indoor UAS/drone activity will be limited to the Old Dominion University Student Recreation Center and only during designated UAS/drone flying hours.
- c. Use of UAS and model aircraft to conduct observational research may be subject to review by the Institutional Review Board (IRB) human subjects oversight. Investigators wishing to use UAS and model aircraft for this purpose should contact the University's [Office of Research](#) to determine if such a review required.
- d. 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.
- e. 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.
- f. 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.

- g. 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](#).
 - h. Photos and video will be limited to areas and subjects required to achieve the purposes identified in the UAS and Model Aircraft Application.
 - i. If identifiable images are captured, it is expected that reasonable safeguards will be used to protect the data.
 - j. 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.
8. Compliance

Failure to comply with this policy may result in revocation of an operators' permit.

G. RECORDS RETENTION

Applicable records must be retained and then destroyed in accordance with the [Commonwealth's Records Retention Schedules](#).

H. RESPONSIBLE OFFICER

Assistant Vice President for Public Safety/Chief of Police

I. RELATED INFORMATION

[Federal Aviation Administration, Educational Use of Unmanned Aircraft Systems \(UAS\), May 4, 2016](#)

[Federal Aviation Administration, Summary of Small Unmanned Aircraft Rule \(Part 107\)](#)

[Federal Aviation Administration, UAS Comprehensive Plan, November 6, 2013](#)

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

[Code of Virginia Section 8.01-40 - Unauthorized use of name or picture of any person; punitive damages; statute of limitations](#)

[Information Technology Standard 02.3.0 – Data Administration and Classification](#)

POLICY HISTORY

Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

/s/ Rhonda L. Harris February 5, 2018
Responsible Officer Date

Policy Review Committee (PRC) Approval to Proceed:

/s/ Donna W. Meeks August 22, 2017
Chair, Policy Review Committee (PRC) Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

/s/ Gregory E. DuBois February 12, 2018
Responsible Oversight Executive Date

University Counsel Approval to Proceed:

/s/ James D. Wright February 12, 2018
University Counsel Date

Presidential Approval:

/s/ John R. Broderick February 14, 2018
President Date

Policy Revision Dates: February 14, 2018

Scheduled Review Date: February 14, 2023