University-Related Use of Unmanned Aircraft Systems (UAS)

Policy Type: Administrative
Responsible Office: Office of the Assistant Vice President for Safety and Risk Management, Division of Administration
Initial Policy Approved: 11/01/2017
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Policy Statement and Purpose

This policy sets forth Virginia Commonwealth University’s policies and procedures concerning use of Unmanned Aircraft Systems (UAS), sometimes known as drones. This policy is intended to promote safe and responsible operation of UAS in furtherance of the goals and mission of the university and in compliance with applicable federal, state, and local regulations.

Employee and Vendor Use
University employees and approved vendors who would like to operate UAS on behalf of the university at any location must receive prior approval to do so as described in this policy. University employees and approved vendors may operate UAS only if approved in advance by the UAS Use Committee (Committee), and the flight must adhere to any limits prescribed by the Committee.

Student Use
Students may operate UAS on or above property owned, leased, or otherwise controlled by the university provided that such operation falls under one of the following criteria: the operation of the UAS is being done in conjunction with an academic course and under the supervision of a faculty member who has received prior approval from the Committee according to this policy; the operation of the UAS is being done in conjunction with activities sponsored or proctored by a registered student organization and under the supervision of a faculty adviser who has received prior approval from the Committee according to this policy; or the operation of the UAS is by the student independent of faculty or staff supervision, for recreational purposes, and is operated in compliance with all applicable laws, regulations and university policies.

Third Party Use for Commercial Purposes and Use Unrelated to University Purposes
Operation of UAS on or above any property owned, leased, or otherwise controlled by the university for purposes other than on behalf of the university for commercial purposes are prohibited without express permission from the assistant vice president for safety and risk management, and must comply with applicable laws and regulations. Individuals using model aircraft on or above university property are
required to abide by FAA rules for model aircraft and all applicable laws and regulations. This includes any Public Agency. VCU strongly discourages recreational UAS use on the VCU Health System campus to avoid the danger of interfering with frequent, daily in- and out-bound medical helicopters.

UAS Use Committee
A standing UAS Use Committee (Committee) will consider for approval all UAS use on behalf of the university. The Committee has the authority to prescribe limits to the proposed use and to revoke an approval at any time for any reason.

Compliance with Laws and Policies
Each individual involved in the operation of a UAS must know and abide by all applicable federal, state, and local regulations, and all related university policies. At no time do Committee decisions or guidance relieve an individual from this expectation. When seeking Committee approval, University employees and approved vendors must state the proposed method of complying with Federal Aviation Administration (FAA) regulations and policies (i.e. Public Aircraft COA, Part 107, or FAA exemption). The requesting operator must submit to the Committee a copy of the UAS registration with the FAA, and any required authorizations from Air Traffic Control.

UAS must not be used to access, view, monitor or record private spaces. In operating a UAS for the purpose of recording or transmitting visual images, operators must take all reasonable measures to avoid violations of an expectation of privacy. Any data inadvertently obtained on non-consenting individuals or their property must be eliminated immediately. 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.

It is the policy of Virginia Commonwealth University to maintain a healthy and safe campus and to conduct all university-related activities in compliance with applicable requirements for health and safety from federal, state, and local agencies. Observing campus health and safety policies and procedures is the responsibility of every member of the university community. UAS must not be operated or used in a manner that poses a danger to the health and safety of others.

The university will not pay any fines or damages resulting from noncompliance with federal, state, and local regulations, or resulting from noncompliance with this or any other university policy; such fines or damages are the sole responsibility of the UAS operator.

This policy does not apply to UAS use by law enforcement. Section 19.2-60.1 of the Code of Virginia sets forth when law enforcement may deploy a UAS.

Noncompliance with this policy may result in disciplinary action up to and including termination. Students who violate this policy will be subject to referral to the Office of Student Conduct and Academic Integrity. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.
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Who Should Know This Policy

All university personnel, students, and approved vendors seeking to operate a UAS on or above university property or at any location on behalf of the university are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

Part 107 or Small UAS Rule
14 CFR Part 107, Operation and Certification of Small Unmanned Aircraft Systems became effective August 29, 2016. This rule broadly authorizes civil use of small UAS and establishes the remote pilot in command position and certification process. The rule does not require an FAA airworthiness certification for small UAS. In addition, the rule prohibits model aircraft from endangering the safety of the national airspace system.

Aircraft
A device that is used or intended to be used for flight in the air. See 14 C.F.R. § 1.1.

Air Traffic Organization (ATO)
Operational arm of the FAA responsible for providing safe and efficient air navigation services. See FAA website.

[Public] Certificate of Waiver or Authorization (COA)
Authorization issued by the ATO to those conducting a public aircraft operation. See FAA website.

Civil Use
Any UAS use that does not qualify as public use or as recreational use. Using a UAS as a tool for research or instructional purposes is considered a civil use.
Commercial Purposes
Receiving compensation for the use of a UAS.

Federal Aviation Administration (FAA)
The mission of the FAA is to regulate civil aviation and U.S. commercial space transportation, maintain and operate air traffic control and navigation systems for both civil and military aircrafts, and develop and administer programs relating to aviation safety and the national airspace system. See Federal Register.

FAA Modernization and Reform Act (FMRA)
Statute (Public Law 112-95) requiring FAA to develop a plan to safely integrate UASs into the national airspace system.

Model Aircraft
Unmanned aircraft that is: (1) capable of sustained flight in the atmosphere; (2) flown within visual line of sight (VLOS) of the person operating the aircraft; and (3) flown for hobby or recreational [non-commercial] purposes. See 14 C.F.R. § 1.1.

National Airspace System (NAS)
The common network of U.S. airspace – air navigation facilities, equipment, and services; airports or landing areas; aeronautical charts, information and services; rules, regulations, and procedures; technical information; and manpower and material. See FAA Integration of Civil Unmanned Aircraft Systems into National Airspace System Roadmap (Section 332(a)).

Person Manipulating the Controls
A person other than the remote pilot in command (PIC) who is controlling the flight of a Small Unmanned Aircraft System (sUAS) under the supervision of the remote PIC. See FAA Advisory Circular 107-2(Small Unmanned Aircraft Systems (sUAS)).

Pilot in Command (PIC)
The person who: (1) has final authority and responsibility for the operation and safety of the flight; (2) has been designated as pilot in command before or during the flight; and (3) holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight. See 14 C.F.R. § 1.1.

Private Spaces
Areas where an occupant has a reasonable expectation of privacy in accordance with accepted social norms. These areas include but are not limited to restrooms, locker rooms, residential areas, changing or dressing rooms, lactation rooms, the insides of campus daycare facilities and health treatment rooms.

Public Agency
Any agency that operates a public aircraft, which is defined in 14 C.F.R. § 1.1. If an agency receives funding from the federal government at some level, it is probably a “Public Agency.” A public agency can never operate under the guidelines of FAA Advisory Circular 91-57 (Model Aircraft Operating Standards).

Public Use or Governmental Function
An operation of UAS through activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management. See 14 C.F.R. §
1.1. The FAA has clarified that “aeronautical research” involves research focused on the UAS itself or its capabilities.

**Remote Pilot in Command (Remote PIC or Remote Pilot)**
A person who holds a remote pilot certificate with an sUAS rating and has the final authority and responsibility for the operation and safety of an sUAS operation conducted under part 107. See FAA Advisory Circular 107-2 (Small Unmanned Aircraft Systems (sUAS)).

**Section 333 Exemption**
Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) grants the Secretary of Transportation the authority to determine whether an airworthiness certificate is required for a UAS to operate safely in the NAS. Authorizations are granted on a case-by-case basis for certain UAS to perform commercial operations prior to the finalization of the Small UAS Rule, which will be the primary method for authorizing small UAS operations.

**Small Unmanned Aircraft**
An unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft. See 14 C.F.R. § 1.1.

**Small Unmanned Aircraft System (small UAS or sUAS)**
A small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system. See 14 C.F.R. § 1.1. A micro UAS is less than 4.4 lbs.

**UAS Use Committee**
The UAS Use Committee is a standing committee at VCU consisting of individuals with subject matter expertise in research, instruction, and other UAS uses (e.g., marketing) respectively. The vice president for Research and Innovation, the provost and vice president for academic affairs, and the assistant vice president for safety and risk management each appoint Committee members. Additional members may be asked to provide consultation to the Committee on an ad hoc basis.

**University Property**
Buildings, grounds, and land owned or controlled by VCU. This includes property leased, rented, or otherwise contractually reserved for VCU operations, either permanently or on a temporary basis. A list of facilities owned or leased by the VCU in Richmond and elsewhere may be found at the VCU Facilities Management website.

**Unmanned Aircraft (UA) or Unmanned Aircraft Vehicle (UAV)**
An aircraft operated without the possibility of direct human intervention from within or on the aircraft. See 14 C.F.R. § 1.1.

**Unmanned Aircraft System (UAS)**
A UAS is the unmanned aircraft (UA) and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft. See [https://www.faa.gov/uas/faq/](https://www.faa.gov/uas/faq/)
Visual Observer (VO)
A person acting as a flightcrew member who assists the small UA remote PIC and the person manipulating the controls to see and avoid other air traffic or objects aloft or on the ground. (Required for all flights on and/or over VCU property.)

Contacts
The Office of the Assistant Vice President for Safety and Risk Management officially interprets this policy. The Office of the Assistant Vice President for Safety and Risk Management is responsible for obtaining approval for any revisions as required by the policy Creating and Maintaining Policies and Procedures through the appropriate governance structures. Please direct policy questions to the assistant vice president for safety and risk management.

Policy Specifics and Procedures

1. UAS Use Approval Process:
   1.1. Individuals seeking to operate a UAS must submit a completed UAS Use Request form to the Committee.
   1.2. The UAS Use Request must provide all relevant information about the proposed flight(s), such as type, location, maximum altitude, class of airspace, distance from airports or helipads that may affect the flight, whether a visual observer will be used, the FAA compliance method, including whether a COA is required and has been approved, a copy of the operators pilot certificate, and any special circumstances for the flight such as temporary restricted airspace or safety measures that will be implemented for the use.
   1.3. Members of the Committee will attempt to review all requests promptly and will make a determination within 10 days after a complete request is received. If expedited review of less than 10 days is necessary, the request should be made to the AVP of Safety and Risk Management.
   1.4. Members of the Committee will provide one of four responses to each request based on safety considerations: 1. Approved, 2. Approved with limitations or an amended safety plan, 3. Denied, 4. Request additional information.
   1.5. Once the final determination has been made, the Committee will notify the requester of its decision.
   1.6. If approved, the approval notification will contain an expiration date of no more than one year after the approval date. Operation of a UAS after the expiration date will be in noncompliance with this policy.
   1.7. Individuals who are denied approval may seek review from the assistant vice president for safety and risk management. The assistant vice president for safety and risk management’s decision will be final.
   1.8. Individuals must adhere to the UAS use operation and safety plan approved by the Committee. Any individuals who use a UAS outside the parameters of an approved operation and safety plan will be in noncompliance with this policy.
   1.9. The assistant vice president for safety and risk management will monitor and enforce compliance with this policy.
1.10. Operators must keep a copy of the approved application on their person when operating the UAS.

2. **Responsibilities of UAS Use Committee:**
   2.1. Review submitted UAS Use Requests. In reviewing a UAS use request, the Committee will consider the basis for the request and the purpose of the flight. The Committee has the authority to revoke an approval at any time for any reason based on safety considerations.
   2.2. The Committee may elect to consult with appropriate university departments in its review of UAS requests.
   2.3. Maintain appropriate records of its reviews and decisions.

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### Forms

1. UAS Use Request form can be found at the following:
   [http://www.research.vcu.edu/uav/index.htm](http://www.research.vcu.edu/uav/index.htm)

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### Related Documents

1. FAA - Unmanned Aircraft Systems (UAS) Frequently Asked Questions/Help
   [https://www.faa.gov/uas/faqs/](https://www.faa.gov/uas/faqs/)
2. Know Before You Fly
   [http://knowbeforeyoufly.org/](http://knowbeforeyoufly.org/)
3. FAA Modernization and Reform Act of 2012 (FMRA) (Public Law 112-95)
4. 14 CFR Part 107, Operation and Certification of Small Unmanned Aircraft Systems
5. FAA Summary of the Small UAS Rule
6. May 2016 “Educational Use of UAS” Memorandum
7. VCU Policy: *Student Code of Conduct*
8. VCU Regulation: *Weapons - Regulation*
9. Code of Virginia statutes (e.g., use by law enforcement (cited within the policy), unlawful recording of another in a place of privacy (18.2-386.1), viewing another in a place of privacy (18.2-130))

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### Revision History

This policy supersedes the following archived policies:

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<th>Approval/Revision Date</th>
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<td>November 01, 2017</td>
<td>University-Related Use of Unmanned Aircraft Systems (UAS)</td>
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Approved: 03/28/2019
FAQ

Due to the changing nature of regulations related to unmanned aerial systems, frequently asked questions will be addressed on the webpage at the following: http://www.research.vcu.edu/uav/index.htm