OLD DOMINION UNIVERSITY
University Policy

Policy #3233
UNMANNED AERIAL SYSTEMS (UAS) aka DRONES AND POWERED MODEL AIRCRAFT

Responsible Oversight Executive: Chief Operating Officer
Date of Current Revision or Creation:

A. PURPOSE

The purpose of this policy is to regulate the use of Unmanned Aerial Systems (UAS).

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 Arial System

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 safety in the National Aircraft System (NAS).

Academy of Model Aeronautics (AMA) – World’s largest model aviation association, representing a membership of more than 195,000 from every walk of life, income level and age group.

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.

Division of Risk Management (DRM) – The division within the executive branch of the Commonwealth of Virginia responsible for oversight of the Commonwealth Risk Management Plan.
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) – Airspace controlled by the Federal Aviation Administration (FAA).

Office of Risk Management (ORM) – The department within Old Dominion University responsible for oversight of institutional risk management.

FAA Part 107 (107 or Small UAS Rule) – This rules finalizes the notice of proposed rulemaking entitled Operation and Certification of Small Unmanned Aircraft Systems1 (the NPRM). The NPRM proposed 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 (see definition below) to be flown by pure hobbyists for recreational purposes.

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 Aerial (UA) – A device used or intended to be used for flight in the air that has no onboard pilot. UA do not include traditional balloons (see 14 CFR Part 101), rockets, tethered aircraft and un-powered gliders. It includes but is not limited to Multi-rotors, Fixed Wing, Tilt-wing, and Vertical Take-off Landing vehicles.

Unmanned Aerial Systems (UAS) – An unmanned aircraft and its associated elements related to safe operations, which may include control stations (ground, ship, or air-based), control links, support equipment, payloads, flight termination systems, and launch-recovery equipment used for non-recreational purposes. An unmanned aerial system consists of three elements – Unmanned Aircraft; Control Station; and Data Link.

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 attending classes whether enrolled or not enrolled. 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 UAS and to do so is required to operate in compliance with FAA UAS regulation and guidelines.

Those making application for a permit to operate on University property (indoors and outside) are expected to be familiar with the FAA’s UAS regulations. Issuance of a 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.

F. PROCEDURES

1. Establishment of a UAS Approval Committee

   Old Dominion University will establish 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 Office of University Counsel to approve all applications requesting authorization to operate a UAS aka Drone under the Small UAS Rules or Hobbyist Rules.

   a. The UAC is authorized to delegate day-to-day oversight of management of this policy, including approval and issuance of UAS permits, to the Office of Risk Management (ORM) for those applications meeting standards established by the UAC. Those applications falling outside established standards will be presented to the members of the UAC for review, approval, rejection or request for modification.

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

      i. UAS and Model Aircraft Operations
      ii. Small UAS licensing as RPIC
      iii. Legal liability assumed by operation of UAS on the campuses of Old Dominion University

2. Notification to FAA Aircraft Control Towers and Heliports

   In compliance with the Small UAS Rules, this policy authorizes ORM to issue notification to any airports and heliports within five miles of Old Dominion University, including but not limited to, NAS Norfolk, Norfolk International Airport, Sentara Norfolk Heliport, and others as required, informing them of Old Dominion University’s intention to permit the operation of UAS within the airspace of its borders in Norfolk.

   Issuance of notification to airports within five miles of the educational centers located in Hampton, Tri-Cities, and Virginia Beach will only be made upon satisfactory demonstration of need as evidenced by the application for operation of UAS being presented to the UAS Approval Committee that will then be reviewed for approval, declination, or request to the applicant to provide additional information before making a final ruling. Applying for UAS Operations
Anyone desiring to operate UAS under the Small UAS Rules, Hobbyist Rules or the 333 COA Exemption on the campus of Old Dominion University or any of its Regional Education Centers are required to apply for an operators’ permit from the Office of Risk Management.

The UAC will review the application for an operators’ 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 RPIC.

3. Rules Waivers

The small UAS Rules contains rules (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 USA Rules waivers not be approved by the FAA, a 333 exemption or a 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 ORM.

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.

a. Logon on the FAA website.
b. If you do not have an FAA Logon, create one.
c. Click the link for the Small UAS Rules/Part 107s UAS Course
d. Please note: All new RPIC and Part 61 Pilots becoming RPICs must undergo a TSA security check, which is accomplished by submitting FAA Form 8710-13.

5. Liability Insurance Requirements

The ODU ORM will arrange through the Commonwealth DRM for aviation liability insurance for all University owned UAS or those formally on loan to or leased to the University for the benefit of the University. The University department with the UAS will be responsible for cost of this insurance.

a. 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, at the time of making application for a permit to operate a UAS on University property.

b. Hobbyist Operators can obtain the required aviation insurance from membership in the Academy of Model Aeronautics (AMA) or similar organizations.

6. Unpermitted UAS and Model Aircraft Operators

Unpermitted UAS and Model Aircraft operators found operating a UAS or Model Aircraft on University property will be asked to discontinue operations until a permit can be issued. The UAC will determine sanctions to impose on habitual violators of this policy, which may escalate with reoccurring infractions.

7. Restrictions on UAS and Model Aircraft Operations

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 for someone 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. Any student group event for drones requesting racing or other group activity will be referred to the ODU Drone Club for review, approval and management of the event. In no event will the operating of UAS/Drones be permitted over people without the appropriate waivers from the FAA.

b. Student indoor UAS/Drone activity will be limited to the ODU Rec Center and only during designated UAS/Drone flying hours.

c. 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.

d. UAS and Model Aircraft will not be used to monitor or record residential hallways, residential louses, or the insides of campus daycare facilities.

e. 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, on computer or other electronic displays.

f. If images will be viewed or captured during the use of the UAS and Model Aircraft, additional information is needed on the registration form (see the form).

g. Photos and video will be limited to areas and subjects required to achieve the purposes identified in the UAS and Model Aircraft Application.

h. Unless explicitly excluded by a Grant’s project, if images of individuals will be captured in a resolution that allows people to be identifiable, a written notice must be prepared indicating the purpose of the filming to be distributed to anyone at the site who might be captured in the video.
i. If identifiable images are captured, it is expected that reasonable safeguards will be employed to protect the data.

j. If operating the UAS and Model Aircraft in a foreign country, verify with your international sponsor whether or not this activity implicates national and local data privacy laws.

G. RESPONSIBLE OFFICER

Assistant Vice President for Public Safety/Chief of Police

H. 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