



Kutztown University Policy A&F-031

Drones, Unmanned Aircraft Systems, or Unmanned Aircraft Vehicles

A. Purpose

The purpose of this policy is to apprise users of Unmanned Aircraft Systems (UAS) of their duty to comply with all applicable laws, reduce safety risks, and preserve the security and privacy of members of the Kutztown University community.

B. Scope

This policy applies to all students, faculty, and staff at Kutztown University.

Drones, Unmanned Aerial Vehicles (UAVs), and Unmanned Aerial Systems (UASs), are defined as any contrivance invented, used or designed to navigate or fly in the air that is operated without the possibility of direct human intervention from within or on the aircraft. The operation of an unmanned aircraft vehicle or system (UAV or UAS), a drone, is regulated by the Federal Aviation Administration (FAA). As a public institution, Kutztown University establishes the following policy to govern the operation by any person of a UAS from or above the University's campuses or properties. This policy extends to any and all property owned, rented, leased, or under the control of Kutztown University. Within this policy, the term "UAS" shall mean drones, unmanned aircraft vehicles, and/or systems. A UAS is defined under this policy as non-recreational and recreational aircraft that are less than 55 pounds. A UAS weighing 55 pounds must be registered as an aircraft and is not permitted under this policy.

This policy applies to the following:

- University employees or students operating a UAS in any location as part of University academic course work, activities or research, or as part of University employment.
- The operation by any person of a UAS with funding through the University.
- The hiring for or contracting for any UAS service by the University, and
- The operation by any person of any UAS on University property.

C. Key words and phrases:

Federal Aviation Administration (FAA) is the body that regulates UASs.

Unmanned Aircraft System Vehicle or System (UAV or UAS) is a drone.

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University property is buildings, grounds, and land owned by or controlled or managed by Kutztown University including, but not limited to, property covered by leases or other contractual arrangements to house ongoing University operations.

D. Policy & Procedure(s)**Educational Uses:**

- The use of UASs is permitted for educational purposes as determined by the University.
- The following requirements apply to the use of UAS for educational purposes:
 - The UAS must be registered with the FAA. Failure to register an aircraft may result in regulatory and criminal sanctions. The FAA may assess civil penalties up to \$27,500. Criminal penalties include fines of up to \$250,000 and/or imprisonment for up to three years.
 - If used in support of teaching, the faculty, staff, or research associate must obtain approval from the Vice President for Academic Affairs prior to subsequent approval of the Kutztown University Public Safety Department.
 - The Operator must
 - present a UAS Remote Pilot license to and obtain prior approval from the Kutztown University Public Safety Department at least 48 hours prior to the use of the UAS.
 - provide date/time, purpose, and length of UAS operations, as well as the area of the campus where the UAS will be used.
 - comply with all applicable federal, state, and local laws.
 - have experience in operating the UAS and operate in a responsible manner.
 - not operate over areas of public assembly, stadium, or areas of construction.
 - not photograph, video, or monitor areas where other members of the University community or members of the general public would have a reasonable expectation of privacy.

Research Uses:

- The use of drones, both personal and Kutztown University property, is permitted for research purposes.
- The UAS must be registered with the FAA. Failure to register an aircraft may result in regulatory and criminal sanctions.
- If used in support of research, the faculty, staff, or research associate must obtain approval from the Vice President for Academic Affairs prior to subsequent approval of the Kutztown University Public Safety Department for any flights.
- The operator must
 - present a UAS Remote Pilot license to and obtain prior approval from the Kutztown University Public Safety Department at least 48 hours prior to the use of the UAS on campus.
 - provide date/time, purpose, and length of UAS operations, as well as the area of the campus where the UAS will be used.
 - comply with all applicable federal, state, and local laws and regulations specific to the location of operation at all times.
 - have experience in operating the UAS and operate in a responsible manner.

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- not operate over areas of public assembly, stadium, or areas of construction.
- not photograph, video, or monitor areas where other members of the University community or members of the general public would have a reasonable expectation of privacy.

Civil Operations/Commercial Use for University Purposes:

- The UAS must be registered with the FAA. Failure to register an aircraft may result in regulatory and criminal sanctions.
- The operator must present a UAS Remote Pilot license to and obtain prior approval from the Kutztown University Public Safety Department at least 48 hours prior to the use of the UAS on campus.
- A Commercial UAS operator must provide a certificate of insurance with a minimum of \$5 million in general liability insurance written on an occurrence basis.
- A contract operator must be accompanied by a representative of the University who is sponsoring the project at all times.
- The UAS must be operated in a responsible manner.
- The UAS may not operate over areas of public assembly, stadium, or populated areas.
- The UAS is not permitted to photograph, video, or monitor areas of the University where other members of the University community would have a reasonable expectation of privacy.

Any violations of law (including, but not limited to, trespassing, illegal surveillance, reckless endangerment) or violations of University policies may subject the individual(s) to both criminal and/or disciplinary action. Students or employees of the Kutztown University community who violate this policy will be subject to discipline. The operator of a UAS may be held responsible for damages/injuries occurring to University property or individuals.

Operating Safety Rules that must be Followed:

- Operators must comply with federal, state, and local laws and regulations specific to the location of operation at all times. As the aviation industry, UAS technology and applications of UAS evolve, the FAA may change special rules for model aircraft, the rules in 14 CFR Part 107. Any changes in conflict with this policy would supersede the policy.
- All operators shall be at least 18 years old and shall meet all operator and aircraft requirements applicable to the aircraft and its specific use as required by the Federal Aviation Administration, state and local laws and regulations.
- UASs must yield the right-of-way to other aircraft, manned or unmanned.
- A minimum weather visibility of three (3) miles must be maintained from the control location.
- No person may act as an operator for more than one unmanned aircraft operation at one time.
- No operations are permitted over people.
- UASs shall not exceed a maximum airspeed of 100 mph.
- UASs can only be flown during daylight or civil twilight hours (30 minutes before official sunrise to 30 minutes after official sunset, local time) with the appropriate lighting.

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- UASs must remain within the visual line of site of the operator. If the pilot is using a first-person view (looking at a screen), there needs to be a visual observer who must always keep the aircraft in sight.
- UASs shall not exceed a maximum altitude of 400 feet above ground level.
- UASs must operate in Class G (uncontrolled) airspace, unless an exception is approved by the FAA.
- Operators must report to the Kutztown University Public Safety Department immediately of any operation that results in serious injury or property damage.
- UASs shall not be flown over private or government property unless written consent is given by the owner.

Failure to Register:

Civil and criminal penalties may apply for failure to register a UAS with the FAA. Those penalties are on a sliding scale based on the circumstances of the situation and may include a formal warning to monetary fines and/or prosecution.

There are no exclusions or special situations that would enable an individual or entity to claim that this policy does not apply. Any use of a UAS that is not permitted under this policy is prohibited, and all permitted uses are subject to the policy.

Prohibited Uses of UAS – Hobby or Recreational Use:

- The use of any drone or drone systems for hobby or recreational use on Kutztown University property is strictly prohibited.
- Unauthorized use of University owned UAS for any purpose other than the permitted purposes is also strictly prohibited.

The Kutztown University Department of Public Safety is responsible for enforcing the policy. The Vice President of Administration and Finance is the responsible officer. The Vice President of Administration and Finance has the authority to grant exceptions to this policy, as appropriate.

The Department of Public Safety maintains the authority to “ground” or suspend operations of any UAS that is not compliant with FAA regulations, this policy, or presents a danger to University property or to the University community. This policy will be updated as necessary to ensure consistency with any amendments to applicable law, including regulatory changes; and, the University may ground or suspend authorization of any operations or activities permitted under this policy while policy revisions are under consideration.

Kutztown University Public Safety Department, Room 13, Old Main, 15200 Kutztown Road, P.O. Box 730, Kutztown, PA, 19530-0730; Telephone: 610-683-4002; E-mail: publicsafety@kutztown.edu.

E. Effective Date

Fall 2019

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F. Approved By

Kenneth S. Hawkinson, President – June 24, 2019

G. Last Reviewed