**The University of Wisconsin Oshkosh**

**Policy # [####]—DRAFT, [08/01/2023]**

**[Unmanned Aircraft “Drone Policy]**

**Original Issuance Date: MM/DD/YYYY**

**Last Revision Date: MM/DD/YYYY**

**Next Review Date: MM/DD/YYYY**

**1. PURPOSE**

The University of Wisconsin Oshkosh recognizes its responsibility to protect the privacy and property of its community through the adoption of a policy addressing operations of Unmanned Aircraft Systems (UAS), also referred to as “drones”. This policy establishes minimal requirements for the safe operation of unmanned aircraft systems and shall be a reference to ensure compliance with Federal Aviation Administration (FAA) regulations, state laws, city ordinances, UW System guidelines, and university policies.

**2. RESPONSIBLE OFFICER**

Environmental, Health, and Safety Manager in the Office of Compliance, Risk, and Integrity

**3. SCOPE**

This policy applies to all members of the university community, including but not limited to employees, students, clubs, organizations, and individuals who are operating a UAS as part of their employment or as part of any university-related research, instruction, 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 laws, city ordinances, and university policies.

**4. BACKGROUND**

The University of Wisconsin Oshkosh in cooperation with the University of Wisconsin System, oversees the operation of Unmanned Aircraft Systems (UAS) for educational and operational purposes on all University properties. The University recognizes that the use of UAS devices (sometimes known as “drones,”) has significant current and future academic, safety, diagnostic, and promotional applications, including flying to collect still or video imagery for promotional projects, surveying building and outdoor campus conditions, monitoring crowd situations, locating vulnerable individuals or individuals posing a threat to the campus community, and conducting educational events. Innovative technology generally comes with public regulatory requirements for privacy, safety, and security. These campus guidelines establish the minimal requirements for the safe operation of UAS and shall be a referenced for all students, staff, faculty and others interested in such activity on university property. These guidelines primarily respond to Federal Aviation Administration (FAA) guidelines and requirements that promote safe and responsible use of unmanned aircraft.

**5. DEFINITIONS**

*Certificate of Authorization or Waiver (COA):*  According to the FAA, the COA is an authorization issued by the Air Traffic Organization to a public operator for a specific unmanned aircraft system (UAS) activity. After a complete application is submitted, FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UAS can operate safely with other airspace users.

*333 Exemption:* FAA exemption based on Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) which grants the Secretary of Transportation the authority to determine whether an airworthiness certificate is required for a UAS to operate safely in the National Airspace System.

*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.

*Unmanned Aircraft Systems (UAS)*: An aircraft operated without the possibility of direct human intervention from within or on te aircraft. UAS is the aircraft itself, and all 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. Model aircraft have different regulations.

*Model Aircraft*: The FAA designates model aircraft differently than other UAS. Model aircraft operations are for hobby or recreational purposes only. 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 model aircraft operations are outlined in Section 336 of Public Law 112-95 <https://www.congress.gov/112/plaws/publ95/PLAW-112publ95.pdf>

*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.

**6. POLICY STATEMENT**

1. A university employee or student planning to operate an unmanned aircraft system (UAS) as part of their university employment or as part of a university program on or off university lands or property must ensure that the Office of Compliance, Risk & Integrity has been provided the requisite paperwork, which includes the Certificate of Waiver or Authorization (COA) issued by the FAA or necessary exemption if applicable. The *Operational Requirements Cklist* must also be provided to the Office of Compliance, Risk, & Integrity.

Students are not required to obtain a CFR 14 Part 107 license when flights are part of written curricular activity and performed under the dire and present supervision of staff or faculty with an operator’s license.

All non-hobby or non-recreational flights shall be conducted only as authorized by the FAA, city ordinances, and campus policies.

1. If any third party wishes to use a UAS over university lands or property for non-recreational use, the party must receive approval through the university’s Office of Compliance, Risk & Integrity. Third parties planning to use a UAS must provide proof of FAA certification and registration. In addition, the third party must complete the *Third Party Request for UAS on UWO Property* form and the *Waiver\_Release from Liability* form. The Waiver holds the university harmless from any resulting claims or harm to individuals and damage to university property. The party must provide the university with proper proof of insurance which should include General Liability coverage with a $2,000,000 per occurrence limit and add the “Board of Regents of the University of Wisconsin System, its officers, employees and agents as an additional insured.” The third party must adhere to all FAA requirements, city ordinances, and campus policies.

Students independent of classroom-approved activity and acting alone, as well as member of student organizations/clubs are not covered under the State’s general liability policy and must complete the UWO *Operational Requirements Cklist* and submit it to the Office of Compliance, Risk, & Integrity to obtain pre-flight approval. They must provide all other documents required of a third party UAS operator (see first paragraph in item #2).

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 contingencies listed above must be adhered to.

1. The use of UAS for hobby or recreational purposes on all university property is prohibited. There is one exception to this rule; the Board of Regents and Fond du Lac County have a land use agreement with the Fondy Flyers, a model aircraft club. It is acceptable, during the time of the agreement, for the county property to be used by the Fondy Flyers.

Using a UAS to take photographs or videos for personal use is considered recreational use and is prohibited.

1. Use by university employees or students as part of any university related activity or research does not fall into the hobbyist (model aircraft) category. In operating a UAS for purposes of recording or transmitting visual images, operators must in addition to the above requirements, take all reasonable measures to avoid violations of areas normally considered private.
2. Any University 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 inform the OCRI and provide proof of a Part 107 license as RPIC (remote pilot in command) or other proof of FAA approval. *The Operational Requirements Cklist* form must also be provided to the Office of Compliance, Risk, & Integrity. A list of approved registrations will be maintained by the campus OCRI.
3. 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, 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).
4. A UAS shall not be used to monitor or record sensitive institutional or personal information which may be found, for example, on an individual's workspace, on a computer or other electronic displays.
5. UAS overseeing/supervising departments are responsible for ensuring its operators are trained in the use of the drone they will operate. Record of this training must be provided to the UAS operator’s supervisor.
6. UAS overseeing/supervising departments may choose to use their department’s drone to perform university business for other UWO divisions or departments. The UAS operator must perform under the same rules, policies, etc. as he does when operating the UAS in the overseeing/supervising department.
7. 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.
8. In the event of an injury to a person, or damage to any property (other than the UAS), caused by the UAS, the operator must submit a General Incident Report to the Office of Compliance, Risk, and Integrity.
9. Fines and/or damages incurred by individuals or UAS that do not comply with this policy will not be paid by the State of Wisconsin or UW Oshkosh and will be the sole responsibility of those persons involved.
10. No university owned UAS shall be rented, leased, or loaned to a non-university party.

**7. REFERENCES**

[**https://www.faa.gov/uas/getting\_started/**](https://www.faa.gov/uas/getting_started/)

<https://www.faa.gov/uas/commercial_operators/>

<https://www.faa.gov/newsroom/recurrent-training-courses-drone-pilots-available-online>

<https://www.ecfr.gov/current/title-14/chapter-I/subchapter-F/part-107>

**8. PROCEDURES**

**All forms indicated in this policy (Operational Reqrmts Cklist; Third Party Reqst for UAS on UWO Property; Waiver\_Release from Liability; General Incident Report) can be found here:** [**https://uwosh.edu/compliance/document-library/**](https://uwosh.edu/compliance/document-library/)

**9. POLICY ACTION HISTORY**

|  |  |
| --- | --- |
| Date: | [Brief Description of Policy Action] |
|  |  |
|  |  |
|  |  |

Approved By:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Andrew Leavitt, Chancellor