

POL 04.15.01
Purchase and/or Operation of Unmanned Aircraft Systems Policy

Authority: Chancellor

History:

- First Issued: August 10, 2018

Related Policies:

- [POL 07.45.01 – UNCP Misuse of State Property Policy](#)
- [POL 08.00.02 – UNCP Information Systems Management and Security Policy](#)
- [POL 10.05.01 – UNCP Patent Policy](#)

Additional References:

- [NC DOT Operating Unmanned Aircraft Systems \(UAS\) in North Carolina](#)
- [Federal Aviation Administration \(FAA\): Unmanned Aircraft Systems](#)
- [Code of Federal Regulations 14 CFR Part 107](#)
- [Summary of Small Unmanned Aircraft Rule \(Part 107\)](#)
- [FAA Certificate of Waiver or Authorization \(COA\)](#)
- [FAA Memorandum: Educational Use of Unmanned Aircraft Systems](#)
- [Section 336 of the FAA Modernization and Reform Act of 2012](#)
- [U.S. Export Controls](#)
- Unmanned Aircraft Systems (UAS) Approval Form

Contact Information: Environmental Health and Safety Professional, (910) 521-6792

1. INTRODUCTION

1.1 The University of North Carolina at Pembroke (UNCP) has innovation as one of its core values and encourages adoption of new technologies, such as Unmanned Aircraft Systems (“UAS”), that serve the mission to promote excellence in teaching and learning, at the master’s and undergraduate levels, in an environment of free inquiry, interdisciplinary collaboration, and rigorous intellectual standards. UNCP is also committed to complying with laws and regulations applicable to this evolving technology and to the safety and privacy of its students, faculty, staff and visitors.

1.2 This policy establishes requirements for the purchase and safe, lawful and official use of UAS:

1.2.a. on university property: or

1.2.b. for university purposes on university property or off campus.

1.3 This policy is not a substitute for regulations and requirements of the [Federal Aviation Administration \(FAA\)](#) and/or the [North Carolina Department of Transportation \(NCDOT\)](#).

1.4 This policy seeks to guide UAS pilots in legal and safe practices that balance the benefits of UAS use with the safety and security of persons and property on campus, as well as providing guidance for use of UNCP owned UAS off-campus.

1.5 This policy applies to use of any UAS in the following manner:

1.5.1 Launched from, controlled from, flown over or landed upon property owned or controlled by UNCP, including use by public individuals, news media representatives, or other third parties not affiliated with UNCP;

1.5.2 Operated for university purposes including use by a UNCP employee, hired contractor, or other person acting on behalf of the university whether on or off property owned or controlled by UNCP;

1.5.3 Owned by the university.

2. SCOPE

2.1 This Policy applies to all members of the UNC Pembroke community, including but not limited to employees (faculty and staff), students, student organizations, vendors and any other individuals who purchase or are operating a UAS as part of their employment or as part of any university-related research or other activity.

2.2 This Policy also applies to any person or entity operating a UAS on university property or land, whether or not such person or entity is affiliated with the university. This includes recreational and non-recreational aircrafts. Any person subject to this policy is personally responsible for complying with FAA and NCDOT regulations, in addition to other applicable federal and state laws and university policies.

2.3 Notwithstanding any other provision in this policy to the contrary, the university's Chief of Police or the Chief's designee may authorize the use of UAS, consistent with federal and state law, for any public safety purpose as defined in this policy.

3. DEFINITIONS

3.1 Unmanned Aircraft Systems: An aircraft operated without the possibility of direct human intervention from within or on the aircraft. ([14 CFR Part 107.3](#)) UAS are also known as or may be characterized as drones. According to the FAA, a UAS is the unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft. UAS may have a variety of names including, but not limited, to quadcopter and quadrotor. FAA regulations apply to UAS regardless of size or weight.

3.2 Model Aircraft: Any aircraft that is mechanically driven or launched into flight and is flown solely for hobby or recreation purposes and is not used for payment or benefit, directly or indirectly, by any person for the use of the aircraft or any media produced by the aircraft.

3.3 Pilot in Command ("PIC"): Person directly responsible for and final authority as to the operation of the UAS. ([14 CFR Part 107.19](#))

3.4 Operator: person directly controlling the UAS, if not the PIC.

3.5 Visual Observer: a person or persons designated to keep direct line of sight with the UAS, if not the PIC.

3.6 UAS Operations Unit: Persons directly involved in the safe execution of a UAS flight plan. A UAS Operations Unit consists of the PIC, Operator, and one or more Visual Observers. Though a separate operator and visual observers are not required for safe flight, these are the only roles included in the unit. No additional persons may be included as part of the UAS Operations Unit.

3.7 [Certificate of Waiver or Authorization \(COA\)](#) - The COA is an authorization issued by the FAA to a public operator for a specific UAS activity.

3.8 University Property - Buildings, grounds and land owned or controlled by the University.

3.9 Public Safety Purpose: Related to the welfare and protection of the University community. For purposes of this policy, public safety purposes may also include facilities and maintenance work carried out to inspect, secure, maintain, repair or improve university property and buildings in a safe condition.

3.10 Recreational (Hobby) Use: Recreational or hobby UAS use is flying for enjoyment and not for a University related activity, work, business, or for compensation or hire.

4. POLICY

4.1 UAS operating from UNCP property must fully comply with [Code of Federal Regulations: 14 CFR Part 107](#) and are limited to a total weight of 55 pounds, including all devices connected to the UAS while it is in flight.

4.2 The purchase of UAS by any university department and all approved flights are restricted to uses that:

4.2.1 Meet the university's academic education/research/service mission and/or

4.2.2 Serve the university's business needs or duties, as determined by university officials.

4.3 UNCP requires all users of UAS to comply with permitting requirements as set forth by the North Carolina Department of Transportation (NCDOT) and the Federal Aviation Administration (FAA). Both require certification for non-hobbyist operation of UAS.

4.4 All UAS operated at UNCP, whether University, commercial, or privately owned, must be flown by certified pilots with an NCDOT permit or under the direct supervision of a certified and permitted PIC as specified in [14 CFR Part 107.12](#). Current NCDOT permits and/or other appropriate certifications must be on file with the Environmental Health and Safety Office prior

to any flight application approvals.

4.5 While the FAA permits non-certified students to fly UAS under strictly defined educational guidelines ([FAA Memorandum](#)) under [section 336 of the FAA Modernization and Reform Act of 2012](#), UNCP requires any student or non-certified UAS operator to be under direct supervision of a certified PIC as described in [14 CFR Part 107.12](#).

4.6 All persons operating a UAS from university property or off-campus as a representative of the university are expected to comply with federal and state regulations as set forth by the Federal Aviation Administration (FAA) and North Carolina Department of Transportation (NCDOT).

4.6.1 These regulations include but are not limited to:

4.6.a. Must NOT fly over people, including persons operating ground vehicles, except for persons directly involved in the safe operation of the UAS as defined above under UAS Operations Unit;

4.6.b. Must keep the UAS in visual line of sight, unaided, except by corrective lenses or a visual observer;

4.6.c. Must fly under an altitude of 400 feet above ground level or less than 400 feet above the topmost portion of a building or structure within a 400 foot radius of that building or structure;

4.6.d. Must fly during daylight hours;

4.6.e. Must fly below 100 mph;

4.6.f. Must yield right of way to any manned aircraft;

4.6.g. Must NOT be operated from a moving vehicle;

4.6.h. Must notify airport air traffic control tower before flying within 5 miles of an airport; and

4.6.i. Must NOT photograph, video, or otherwise record spaces where an individual has a reasonable expectation of privacy.

4.6.2 The FAA has a process by which a PIC may apply for waivers to some of these UAS operating rules. Waivers to these rules granted by the FAA must be approved by the PIC's direct supervisor, department chair, university Chief of Police and the university's legal counsel.

4.7 A PIC may enlist an operator and one or more visual observers to aid in safe flight as defined in [14 CFR Part 107.12 and 107.33](#).

4.8 A UAS operated from university property must be registered with the FAA.

4.9 The UNCP Police Department is responsible for compliance and enforcement of this policy.

4.10 In addition to the reporting requirements of [14 CFR Part 107.9](#), any incident resulting in injury to persons, damage to property, whether personal property or UNCP property, must be reported immediately to the PIC's direct supervisor, UNCP EHS Office and UNCP Police. If the PIC is not an agent or employee of UNCP, any damage to property or persons must be reported immediately to UNCP Police, UNCP EHS Office, as well as the UNCP contracting department. This is true for any injury or damage, even if it does not meet the requirements for mandatory reporting specified in [14 CFR Part 107.9](#).

4.11 Media outlets wishing to use UAS on campus should contact the [Executive Director of University Communications and Marketing](#), for assistance in obtaining approval.

5. UAS APPROVAL PROCESS

5.1 UNCP's UAS guidelines and Approval Form are available at: [insert UAS web application](#).

5.2 Individuals seeking approval to operate UAS are required to complete the UAS Approval Form no less than 10 business days prior to the planned flight and submit the completed Approval Form to the Office of Environmental Health and Safety at safety@uncp.edu.

5.3 Individuals seeking approval to operate UAS must attach a detailed flight plan to the UAS Approval Form. The flight plan must include:

5.3.1 Specific time of flight;

5.3.2 Specific location of flight or flight path if multiple locations;

5.3.3 Reason, purpose, or justification for flight as it relates to the university's mission or business needs.

5.4 Individuals seeking approval to operate UAS must also attach to the UAS Approval form:

5.4.1 Copy of a state driver's license.

5.4.2 Copy of FAA Pilot certificate with UAS rating.

5.4.3 Copy of NC UAS Operator Permit.

5.4.4 Copy of UAS registration certificate.

5.5 UNCP EHS Office will ensure that UAS flight plans do not overlap such that only one UAS may operate in an area at a time. For all approved flights, the UNCP EHS Office will issue a Flight Approval Permit that the PIC is required to maintain for inspection at all times during the approved flight.

5.6 Upon receiving the application, the UAS Approval Committee will convene to review the form. The UAS Approval Committee consists of:

5.6.a. Chief of Police

5.6.b. Executive Director of University Communications and Marketing

5.6.c. Environmental Health and Safety Professional

5.6.d. Associate Vice Chancellor for Research and Sponsored Programs

5.6.e. One faculty member, who shall be appointed by the Provost for a term of two years.

5.7 The Environmental Health and Safety Professional may request the applicant to provide additional information if such information is necessary to complete its review.

5.8 The UAS Approval Committee may confer with other university departments, supervisors, or offices when conducting its review

5.9 Upon approval, the Chief of Police and Environmental Health and Safety Professional or designee(s) will sign the Approval Form, attaching additional notes or instructions as necessary, and return it to the UAS operator. The operator must have this signed Approval Form, in addition to necessary permits, on their person during all flight activities.

5.10 The Environmental Health and Safety Professional shall notify the UAS Approval Committee and affected campus constituents of approved flights.

6. STANDARDS FOR OPERATING UAS ON UNIVERSITY PROPERTY

6.1 No UAS may be flown unless the user has the appropriate permits as required by the FAA and NCDOT, as well as signed UAS Approval Form from the Chief of Police and UNCP Environmental Health and Safety Professional.

6.2 If conditions on the approved day do not allow for safe flight or other unforeseen circumstances prevent safe operations on the approved day, the requesting PIC has two business days to request an extension of the approved plan. The extension may be granted for up to, and not to exceed, five business days after the approved flight date (or the last approved date if approval spans multiple days). Up to two extensions may be granted for any single approved flight plan, after which a new application must be submitted.

6.3 Hobbyist or recreational use of UAS is explicitly prohibited over or on property owned or controlled by UNCP, even if otherwise legal under state and federal rules.

6.4 Third parties may operate UAS over or from university property only if the third party is sponsored by or affiliated with the university and approved by the university pursuant to this policy. In addition to approval as set forth in this policy, the university generally requires third parties to enter into a contract, signed by an authorized university official, and to provide proof of insurance coverage in a form and amounts as may be specified by the university from time to time.

6.5 Users of UAS may be asked to stop the UAS flight and/or leave university property if, in the sole discretion of authorized university officials, they do not comply with this policy or otherwise engage in conduct that is considered harmful or dangerous to the university or persons on university property.

6.6 Improper use of UAS may result in the violation of FAA regulations, or federal or state criminal laws. Violations or suspected violations may be reported to the appropriate authorities.

6.7 UAS operators who violate this policy may be issued a notice of trespass by UNCP Police and may be reported to the appropriate authorities for further investigation.

6.8 PIC operating from university property or as a function of their employment by the university must operate under 14 CFR Part 107 and hold remote pilot certificate with a small UAS rating.

6.9 PIC must be in possession of their pilot certificate during operations from or on behalf of the university.

7. PROCEDURES FOR OPERATING UAS NOT ON UNIVERSITY PROPERTY

7.1 University Departments or employees wishing to fly UAS for university-related purposes away from University property must meet all requirements as outline in section 4 of this policy as well as:

7.1.1 Submit a detailed flight plan to their direct supervisor to include a specific time, location, and purpose for the flight;

7.1.2 Have appropriate permits and written property owner permission for the date, time, location, and path of the flight;

7.1.3 Comply with any federal, state, and local laws and regulations of the jurisdiction where the UAS flight is conducted.

8. RULES GOVERNING EXPORT OF UAS AND OPERATION BY FOREIGN NATIONALS

8.1 UAS are export controlled under [U.S. Export Controls](#), and some systems cannot be exported to foreign nationals or foreign countries. Individuals or organizations seeking to design, build, research, use in research, modify, dismantle, and/or operate a UAS must do so in accordance with such regulations and the Export Control policy.

8.2 Before foreign nationals can participate in UAS activities, individuals and organizations must first discuss such activities with the [Export Compliance Officer \(Associate Vice Chancellor for Research and Sponsored Programs\)](#) and obtain a Certificate of Export Review, before submitting a UAS Request Form.