

## Kenyon College

### Unmanned Aircraft System Policy

#### Scope

This policy applies to:

- Any Kenyon College employees operating unmanned aircraft systems in any location as part of their College employment or as part of College activities;
- The operation by any person of unmanned aircraft systems or model aircraft within, on or above Kenyon College property;
- The purchase of unmanned aircraft systems with funding through Kenyon College, including College accounts, grants, and;
- The hiring for or contracting for any unmanned aircraft services by a Kenyon College unit.

#### Policy Statement

The operation of unmanned aircraft systems (UAS) including drones and model aircraft must comply with the Federal Aviation Administration (FAA) and any applicable laws and regulations. In addition, operators must comply with any additional requirements established by this policy.

#### Reason for Policy

Kenyon College must comply with FAA requirements, state law, and any other locally applicable laws or regulations regarding unmanned aircraft systems. Inherent risks in the operation of such equipment require additional insurance provisions and policy considerations.

#### Declarations

1. The general public is not authorized to operate a UAS on Kenyon College's property.
2. All members of Kenyon College community are personally responsible for complying with FAA regulations, state and federal laws, and College policies.
3. Any College employee or student wishing to operate an unmanned aircraft system as part of their College employment or as part of a College program must first:
  - a. Obtain a 333 exemption.
  - b. Obtain a Certificate of Authorization or Waiver (COA) issued by the FAA.
  - c. Operate under the 2016 revision of FAA rules, and
  - d. contact the Manager of Business Services (MBS) for coordination and approval.
4. MBS is the FAA account holder for COAs for Kenyon College and must process all applications on a case-by-case basis. For UAS use on any off-campus location, MBS will assist in determining requirements for those localities and verifying that requirements have been met.
5. Any College employee or department purchasing a UAS (or the parts to assemble a UAS), or UAS services with College funds or funds being disbursed through a College

account, or grant funds, must contact MBS in order to assess the college's ability to obtain a COA, other necessary FAA exemptions, comply with revised FAA requirement, or meet local compliance requirements.

6. Any vendors wishing to use a UAS or model aircraft over college property must first receive approval through MBS. Vendors planning to use UAS must also provide proof of FAA approval. Vendor must sign the Vendor UAS Agreement.
7. In 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. Ohio state law provides that a person who knowingly or intentionally places a camera or electronic surveillance equipment that records images or data of any kind while unattended on the private property of another person without the consent of the owner or tenant of the private property commits a Class A misdemeanor.

#### **Inappropriate and Prohibited Uses**

- 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, and health treatment rooms.
  - b. UAS shall not be used to monitor or record residential hallways, residential lounges, or the insides of the preschool facility.
  - c. UAS shall not be used to monitor or record sensitive institutional or personal information which may be found, for example, on an individual's workspaces, on computer or other electronic displays.
  - d. No use is permitted for internal structures.
8. Use of UAS must comply with any other applicable College policies. Operators are not permitted to attach weapons or to use the UAS for harassment purposes.

#### **Sanctions**

Any violations of College policies by an individual will be dealt with in accordance with applicable College policies and procedures, which may include disciplinary actions up to and including termination from the College.

Legal prohibitions regarding physical presence on campus/trespassing and other legal action may also be pursued against third parties that operate UAS in violation of this policy.

Fines or damages incurred by individuals or units that do not comply with this policy will not be paid by Kenyon College and will be the responsibility of those persons involved.

#### **Definitions**

**Kenyon College Property** – Buildings, grounds, and land that are owned by Kenyon College or controlled by Kenyon College via leases or other formal contractual arrangements to house ongoing College operations.

**COA-** Certificate of Authorization or Waiver. According to the FAA, the COA is an authorization issued by the Air Traffic Organization to a public operator for a specific UAS activity. After a complete application is submitted, the FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UA can operate safely with other airspace users. In most cases, the FAA will provide a formal response within 60 days from the time a completed application is submitted. An abbreviated COA is issued with a 333 exemption. The full COA is issued for governmental operations such as a police department. Research is not a “governmental operation.” To apply for a COA, please use this link: [COA Application](#).

**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.

**Unmanned Aircraft Systems (UAS)** - 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 quadcopter, quadrotor, etc. FAA regulation applies to UAS regardless of size or weight. Model aircraft are not considered by the FAA as UAS and have different regulations.

**Model Aircraft** - Model aircraft are considered differently by the FAA than other UAS and have different regulations. Model aircraft are not for business purposes, only for hobby and recreation. (Use of UAS related to Kenyon College does not qualify as model aircraft regulations.) Model aircraft must be kept within visual sightline of the operator, and should weigh under 55 pounds unless certified by an aeromodelling community-based organization. Model aircraft must be flown a sufficient distance from populated areas.

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**Unmanned Aircraft Systems Policy**

**Frequently Asked Questions**

**What is an unmanned aircraft system (UAS)?**

An unmanned aircraft system (commonly referred to as a “drone”) means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft, as well as the communication links and components that control the aircraft.

**Do I need approval from the College to use a UAS on College property or at a College-sponsored event?**

Yes. Kenyon College has implemented an Unmanned Aircraft Systems Policy in order to support the College’s mission while also managing issues of safety, privacy, and compliance with applicable laws and Federal Aviation Administration (FAA) regulations.

**To whom does the College policy apply?**

The policy applies to any College employee, student, vendor, visitor or other third party who seeks to operate a UAS on or above College property or at a College-sponsored event.

**How do I seek approval to use a UAS on College property or at a College-sponsored event?**

A request for approval should be submitted to the Manager of Business Services at least 2 weeks prior to the planned operation. The request must be complete, accurate and include the name and contact information of the requesting party and the operator; the date, time and location of the requested operation; the purpose of the operation; the equipment to be used; a description of any data to be collected; and verification that the requesting party operates in compliance with applicable laws and regulations. The Office of Campus Safety may request additional information in connection with its evaluation of the request.

The Manager of Business Services will consult with other departments as appropriate to evaluate the request. If the request is for research or other academic purposes, the appropriate dean’s office and/or the provost’s office will be consulted before a decision is made. The Manager of Business Services may approve or deny a request or approve the request with modifications, and will notify the requesting party in writing of its decision.

**What are the FAA regulations addressing UAS?**

The FAA has jurisdiction over all navigable airspace in the United States, and all aircraft (whether manned or unmanned) are subject to FAA rules and regulations.

In Section 333 of the FAA Modernization and Reform Act (FMRA), the FAA addresses the rules for operating all manned and unmanned aircraft. The FAA is authorized to grant an exemption under Section 333 to enable an individual or an entity to operate a UAS for civil and non-governmental purposes and activities. Hobby and recreational use does not require a Section 333 exemption, but does require registration with the FAA and compliance with certain safety-related and other rules.

In June 2016, the FAA released new UAS regulations that will go into effect on August 29, 2016. The new rules are intended to facilitate the use of small UAS for commercial purposes and replace the Section 333 exemption process.

Under the FAA's new rules, operators of drones for commercial use must hold a remote pilot airman certificate with a small UAS rating, or must operate the drone under the supervision of someone who holds that certificate. In addition, drone operations will be subject to a number of operational limitations. Obtaining a remote pilot certificate requires the completion of an application process, passing an aeronautical examination at an FAA-approved knowledge testing center, completing online training, and passing a TSA security background check.

For more information about the new rules, please see the FAA's UAS website found here: <https://www.faa.gov/uas/>. The website also provides information about how to obtain a remote pilot certificate and the FAA's UAS operational limitations.

**Is there an exemption from the FAA regulations when the UAS is used for teaching or research purposes?**

No. Using a UAS for teaching or research purposes is not considered by the FAA to be hobby or recreational use. Faculty and others who would like to include operation of a UAS as part of their teaching or research, or for other educational purposes, are subject to the FAA's rules.

**Do I need permission even if the UAS is for hobby or recreational purposes?**

Yes. (Hobby and recreational use of UAS is not permitted on College property.) While the FAA regulations addressing hobby and recreational use of UAS are not as extensive as those addressing commercial use, any request to use a UAS for hobby or recreational purposes on College property or at a College-sponsored event still requires advance approval.

**Is there any other guidance from the FAA on educational use of UAS?**

Yes. In a memorandum dated May 4, 2016, the FAA addressed certain types of educational uses of a UAS at educational institutions. The memorandum clarifies that student use of UAS at accredited educational institutions as a component of science, technology, and aviation-related educational curricula, or other coursework such as television and film production or the arts, is hobby or recreational use. The student may not receive any form of compensation, directly or incidentally, arising from or related to such operations, including, e.g., the reimbursement of costs or an honorarium. The memorandum also clarifies that faculty teaching aviation-related courses at accredited educational institutions may assist students who are operating a UAS under section 336 and in connection with a course that requires such operations, provided the student maintains operational control of the UAS and any instructor participation is de minimus.

For a more detailed description of the clarification and the permissible uses, please review the FAA's memorandum which can be found here:

[http://www.faa.gov/uas/resources/uas\\_regulations\\_policy/media/interpretationeducational-use-of-uas.pdf](http://www.faa.gov/uas/resources/uas_regulations_policy/media/interpretationeducational-use-of-uas.pdf)

Please keep in mind that all student or faculty member requests to use a UAS, including those that rely on the FAA clarification memorandum, must be submitted in advance to the Manager of Business Services for approval.

**Can I hire a third party to use a UAS on campus?**

A request to engage a third party vendor to use a UAS on campus should be submitted to the Manager of Business Services for review and approval.

**Do I need to advise students in a residence hall of UAS use?**

Resident hall occupants, especially those on the upper levels with no adjacent buildings, have the expectation of privacy while inside their rooms or within the building. If your institution intends to use a UAS near residence hall windows, for instance in an exterior building inspection or for photos, we recommend sufficient notice that this activity will be taking place outside the residence hall to all affected parties and scheduling during midday if possible.

**What are the best practices for managing UAS use?**

The following suggestions are intended to encourage the development of safety policies and procedures:

- Operators should be trained in the use of the UAS which they will operate
- Students are not be allowed to fly UAS's for recreational purposes on campus. Any students flying UAS's on campus should be under the supervision of a faculty member and operating a school owned unit for educational purposes only.
- All flights should be conducted only as authorized by the FAA. Any institution operating UAS's will also want to determine which laws, if any, apply in the state or municipality of operation
- Operators should be mindful of the safety of people and risk of property damage
- Operators should be mindful of potential failure modes for their systems
- All built-in safety features should be tested before flight
- Operate only during daylight hour
- Operate below 400 ft., 5 miles from airports, and away from manned aircraft (per FAA regulations)