BALL STATE UNIVERSITY
POLICY FOR THE USE OF UNMANNED AIRCRAFT SYSTEMS (DRONES)

I. POLICY ADMINISTRATOR

A. The Policy Administrator for this policy is the Office of Risk Management. Questions regarding this policy should be directed to the Office of Risk Management, 765-285-1110.

II. POLICY STATEMENT

A. This policy applies to all Ball State University operations within the U.S. and where the FAA has authority. This includes, but is not limited to: faculty, staff, students, volunteers, clubs, and similar organizations and individuals who are operating or planning to operate Unmanned Aircraft Systems (drones) as part of their university employment or as part of any university-related research or activity.

B. This policy also applies to any third party or hobbyist that may operate a drone on or over university facilities with approval from the Office of Risk Management. All persons operating drones on, over, or near university facilities are responsible for complying with FAA, federal, state, and local regulations as well as applicable university policies, including this policy, at all times.

III. PROCEDURES

A. All operators covered by this policy shall apply for approval to the Office of Risk Management for any drone activity at least 14 calendar days prior to the first drone flight. Previously approved operators must also apply for approval 14 calendar days prior to each planned flight unless otherwise approved by the Office of Risk Management.

B. At a minimum, the approved UAS Operator(s) shall identify themselves by wearing an official *Ball State University Approved Drone Operator* fluorescent badge, informing students, employees and/or other campus visitors of a UAS in the area and the presence of an approved UAS Operator(s). Once a UAS application is approved, the UAS Operator(s) will be provided with an official *Ball State University Approved Drone Operator* fluorescent badge from the Office of Risk Management during the period of the approved UAS flight pattern. The official *Ball State University Approved Drone Operator* fluorescent badge must be returned to the Office of Risk Management immediately upon the expiration of the approved flight pattern period

and/or the completion of the project prior to the expiration of the approved flight pattern period, whichever occurs first. The approved UAS Operator must wear the official *Ball State University Approved Drone Operator* fluorescent badge at all times during the operation of the UAS. The approved UAS Operator must also maintain a physical copy of the approved UAS application and flight pattern on their physical person during the operation of the UAS.

C. All operation and use of drones must comply with FAA regulations, state and federal laws, and university policies at all times; including all FAA registration requirements before drone operation takes place.

D. Ball State University assumes no liability for any damage to property or for personal injuries caused by a drone or drone operator(s); including the breach of any term or provision of this policy.

E. All operation and use of drones must specifically comply with the following:

1. Operators shall not fly a drone over groups of people.
2. Operators shall not allow the drone to go beyond the visual line-of-sight.
3. Operators shall not interfere with manned aircraft operations and must give the right-of-way to all manned aircraft.
4. Operators shall not fly a drone above 400 feet.
5. Operators shall not fly a drone near emergency response efforts, such as fires or vehicle collisions.
6. Operators shall not fly a drone in a careless or reckless manner.
7. Operators shall not fly a drone while impaired.
8. Operators shall not fly a drone near or in an open stadium with a seating capacity of more than 30,000 people, within one hour before or after a scheduled event or within a three (3) nautical mile radius while a NCAA Division-I football game is occurring. (Note: Operation and use of drone or Model Aircraft over Scheumann Stadium is strictly prohibited. Extraordinary circumstances may result in an exception with the pre-approval of the Office of Risk Management, subject to, and in accordance with all FAA requirements.)
9. Operators must contact local airport(s)/control tower(s) before flying within five (5) miles of any airport. This area includes the entire Ball State University campus. (Note: The IU Health/Ball Memorial Helipad and incoming Air Medical Helicopter flights are a serious concern. Drones must be landed immediately if an Air Medical Helicopter flight is approaching the IU Health Helipad.)
10. Operators shall not fly a drone that exceeds a weight of 55 pounds.
11. Operators shall not use a drone to photograph or video record for compensation or sale to another individual (or entity).

12. Operators are also advised that pursuant to Indiana Code Section 35-46-8.5-1, 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.
13. Operators are further advised that other state and local laws may apply depending on the location of the drone use. In all cases the proposed flight shall not photograph, video or monitor in any way areas where members of the university community or members of the general public would have a reasonable expectation of privacy.

F. Third party, or hired contractors providing drone services on behalf of the university, in addition to all items listed above, the vendor/operator must:

1. Possess proof of Part 107 compliance with applicable CoW or proper FAA Exemption before any operations take place.
2. Comply with all FAA regulations, state and federal laws, and existing university policies.
3. Be under contract that holds the university harmless and indemnifies from any claims resulting from harm to individuals or damage to property, university-related or otherwise.
    a. The contract must be executed under the appropriate procurement and contracting guidelines of the university.
    b. Vendor shall be required to maintain at a minimum liability insurance for bodily injury and property damage in an amount of not less than One Million Dollars ($1,000,000) that extends to the use of drone.

G. Other University-Related Operations:

1. Any individual purchasing a drone <u>with funding obtained through the University, University Foundation or a grant account</u> **must** report the purchase and intended use to the Office of Risk Management contact referenced above in order to activate appropriate insurance coverage. Any individual who has in the past purchased a drone and intends to use that drone under this policy must register the existing drone with the Office of Risk Management.
2. Any individual wishing to operate a drone for university business or program-related purposes must satisfy all sections of this policy as well as applicable Part 107 requirements, including registration of aircraft with the FAA and any necessary CoW, or have evidence of 333 Exemption or COA issued by the FAA

that is still valid. A copy of the CoW or other Exemption must be provided to Risk Management as part of the approval process.

3. It is important to note that the Ball State University campus is considered Class D airspace, and, as such, is subject to restricted use of UAS. Any use of drone that is not considered Hobbyist/Model Aircraft in nature must receive prior approval from the FAA in the form of a CoW for operating in restricted airspace. To apply for a CoW, an applicant may visit https://www.faa.gov/uas/.

H. Indoor Use:

Operating a drone indoors presents a unique set of risks and challenges such as flying into indoor sprinkler systems or lighting fixtures. Therefore, operation of a drone or Model Aircraft indoors is strictly prohibited. Extraordinary circumstances may result in an exception with the pre-approval of the Office of Risk Management, subject to, and in accordance with, facility use protocols.

I. Policy Exceptions:

Exceptions to any provision of this policy must be approved in advance by both the Office of Risk Management and the university officer with supervisory responsibility for the personnel and area relevant to the request.

J. Policy Enforcement:

1. Any operation or use of a drone that violates FAA regulations or laws is prohibited and it is the responsibility of the operator to ensure compliance with all such regulations or laws. Failing to comply with any of these various regulations may result in significant fines and significant personal liability to the Operator.

2. Any operation or use of a drone that violates this policy will be reported to the relevant university officer as a violation of university rules and the operator will be subject to applicable disciplinary sanctions.

IV. POLICY DEFINITIONS

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 UAS to operate safely in the National Airspace System.

COA

A Certificate of Authorization or Waiver granted to an individual or entity by the FAA for a specific aircraft, for a specific activity, for a specific location. According to the FAA, the COA is an authorization issued by the Air Traffic Organization to a public operator for a specific unmanned aircraft 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 unmanned aircraft can operate safely with other airspace users. In most cases, FAA will provide a formal response within 60 days from the time a completed application is submitted.

CoW

A Certificate of Waiver is an authorization issued by the FAA for UAS operations that do not meet the provisions of Part 107 in its entirety.

Drone

An Unmanned Aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to safely and efficiently fly in the national airspace system weighing less than 55 pounds.

FAA

Federal Aviation Administration

Hobbyist/Model Aircraft

Model aircraft are not for business purposes, only for hobby and recreation. Model aircraft must be kept within visual sightline of the operator, and should weigh under 55 pounds.

Operator

Pilot or individual who is controlling, maneuvering, or commanding a drone.

Part 107

Unmanned Aircraft regulations currently in place by the FAA for UAS under 55 lbs.

Registration

Any drone used for university-related operations must be registered with the FAA on behalf of Ball State University and the registering department, unit, or organization must retain evidence of registration.

Small Unmanned Aircraft Systems (UAS)

An Unmanned Aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to safely and efficiently fly in the national airspace system weighing less than 55 pounds.

University Facilities

As used in these regulations, the term "University Facility" or "University Facilities" means any building or structure or any improved or unimproved land, or any part of any such building, structure, or land, which is owned, used, controlled or occupied by Ball State University.

University-Related Operations

The use of UAS for any purpose associated with university business, other than third party and hired or contracted UAS services on behalf of the university. University-related operations automatically fall outside of the hobbyist/model aircraft designation and, therefore, must be compliant with applicable FAA policies and regulations.

Unmanned Aircraft

An aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Unmanned Aircraft Systems (UAS)

Any remotely operated or controlled unmanned aircraft intended to fly within the National Aerospace System. Includes devices commonly referred to as drones (including communications support and navigational equipment). FAA regulations apply to all types of UAS regardless of weight or size.

V. RELATED DOCUMENTS, FORMS AND TOOLS

FAA UAS registration: https://registermyuas.faa.gov/

To apply for a COA, CoW, or 333 Exemption: https://www.faa.gov/uas/

For more information regarding Indiana House Bill 1009:
http://iga.in.gov/legislative/2014/bills/house/1009/

For more information on Educational Use of UAS:

HTTPS://WWW.FAA.GOV/UAS/RESOURCES/UAS_REGULATIONS_POLICY/MEDIA/INTERPRETATION-EDUCATIONAL-USE-OF-UAS.PDF

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