



## **POLICY & PROCEDURE DOCUMENT**

NUMBER: 8.1050  
DIVISION: Public Affairs  
TITLE: WKU Unmanned Aircraft System Policy  
DATE: August 15, 2016  
ISSUED BY: WKU Departments of Public Affairs, Athletics, Police, and  
Environmental Health & Safety  
APPROVED BY: Administrative Council

### **I. Purpose and Policy**

Operation of an Unmanned Aircraft System (UAS), including Model Aircraft (e.g. hobby or recreational use), is strictly prohibited over Western Kentucky University (WKU) property without prior written approval from the WKU UAS Usage Review committee. The university supports the use of UASs to enhance administrative, research, instructional, and service functions of the institution. The university must take into consideration privacy and safety issues when providing oversight for use of UASs.

UAS regulation at federal, state and local levels is emerging and multi-faceted. UAS operational safety is regulated by the FAA and expected to evolve over time, therefore this policy may be modified where applicable to coincide with updates to applicable Federal, State or local regulations. In the event that this policy and Federal, State, or local regulations are not congruent, the more restrictive will be overriding.

UAS flights that are considered to be in support of or in concert with the mission of the university will be considered for approval. Requests for exemption must be received by the WKU UAS Usage Review Committee 14 days in advance of the requested fly date. Once an application for UAS operation has been received by WKU UAS Usage Review Committee, the applicant will be notified within three (3) business days with the decision of the review committee.

### **II. Policy Principles**

For the safety of all WKU faculty, staff, students, and visitors and in an effort to remain in compliance with Federal Aviation Administration (FAA) regulations regarding the use of UAS, the unauthorized operation of UAS is strictly prohibited.

### **III. General Institutional Usage Guidelines**

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 the interior or exterior of restrooms, locker rooms, individual residential rooms (residence halls and apartments), changing or dressing rooms, and health treatment rooms.

UAS shall not be used to monitor or record residential hallways, residential lounges, or the insides of campus daycare facilities.

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.

No aircraft including UAS shall be operated over or in close proximity to any persons: this includes special events, sporting events, sports team or intramural practices. This prohibition does not apply to medical or law enforcement aircraft during emergencies.

### **IV. Applicability**

The policy applies to any:

- WKU Employees and students operating unmanned aircraft systems in any location as part of their University employment or as part of University activities;
- The operation of an unmanned aircraft system or model aircraft by any person(s) on or above WKU property;

### **V. Unmanned Aircraft System (UAS) Usage Review Committee**

**Lead Department:** WKU Public Affairs

**Additional Committee Member Departments:** WKU Athletics, WKU Police, WKU Environmental Health & Safety

### **VI. Definitions**

**Unmanned Aircraft System** – commonly referred to as a "drone," is defined by the Federal Aviation Administration as "the unmanned aircraft (UA) and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft. The UA is the flying portion of the system, flown by a pilot via a ground control system, or autonomously through the use of an on-board computer, communication links and any additional equipment that is necessary for the UA to operate safely." These are not "model aircraft," which have to meet certain criteria such as not flying near populated areas (AC 91-57).

**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 WKU 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.

**WKU Property** – Buildings, grounds, and land that are owned by Western Kentucky University or controlled by Western Kentucky University via leases or other formal contractual arrangements to house ongoing WKU 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 UA 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 UA 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.

**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 Air Space System.

## **VII. Reporting Observed UAS on Campus**

- a. When a WKU employee or someone serving in an official capacity on behalf of the University observes a UAS flying on the WKU campus, the WKU Police Department shall be notified.
- b. Upon notification, the WKU Police Department will verify that an exemption has been approved for the UAS operations in the area observed. If no exemption is found, the WKU Police will dispatch an officer to respond to the area to notify the operator of this policy and ensure that the activity ceases.

## **VIII. Violations**

Any violations of this policy will be dealt with in accordance with applicable federal or state statutes and/or applicable University Policies and Procedures. Penalties may include disciplinary action for university students, faculty, or staff, and where appropriate, criminal charges. All complaints concerning the operation of UAS over WKU property should be referred to the WKU Police.

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.

Aircraft registration, operator information, and an incident report will be submitted to the Federal Aviation Administration (FAA) for review. Any fines or penalties incurred by the operator(s) as the result of a violation will be the responsibility of the individual(s) or organization(s) involved.

## **IX. Exemptions**

- a. No exemption to this policy will be granted unless the WKU UAS Usage Review Committee determines the operation is in its best interest of the university and notifies the WKU Police and appropriate university administration.
- b. Any exemption must be obtained in writing from the WKU UAS Usage Review Committee. Requests for exclusions, with the exception of emergency situations will be reviewed and an approval or denial issued to the requestor within three (3) business days of the submission.
- c. Approval is also contingent upon:
  - Operator of UAS is at least 17 years old.
  - UAS weighs less than 55 pounds when flight ready.
  - UAS is registered with the FAA.
  - Notification has been made with airports or other aircraft operations based within 5 miles of the proposed flight area.
  - UAS is inspected pre-flight to assure it is in good condition and fully functioning.