Fitchburg State University Policy for the Use of Drones/Unmanned Aircraft Systems (UAS) on University Property
2023

Purpose:

Fitchburg State University recognizes that the operation of Unmanned Aircraft Systems (UAS) also referred to as "drones" and/or “model aircrafts”, are popular for recreational, educational and commercial purposes. This policy establishes the minimum requirements for UAS use on campus in accordance with the regulations set forth by the Federal Aviation Administration (FAA), the Federal Government and the Commonwealth of Massachusetts. Additionally, the inherent risks involved in the operation of UAS on campus require the establishment of a university policy governing the safe use and operation of UAS to reduce risks and ensure personal safety and privacy of the university community.

This policy is reviewed and updated on an annual basis to compare its requirements to that of the Federal Aviation Administration. Updates and revision dates are located on the last page of this policy.

Applicability:

This policy applies to all members of the university community while operating a UAS on campus. This includes, but is not limited to: students, clubs, organizations, faculty or staff for the purpose of recreational, educational or commercial use. All UAS use on campus must adhere to the requirements stated in this policy and all federal, state and city regulations.

Policy:

All members of the Fitchburg State University community operating a UAS on or above university owned or operated property are personally responsible for complying with Federal Aviation Administration regulations, state and federal laws and as well as all other university policies. A Release and Hold Harmless Agreement form as well as a Proposed Flight Plan Form must be signed and submitted to the Environmental Health and Safety Office at the time of request. The Release and Hold Harmless form as well as a Proposed Flight Plan Form are included at the end of this policy.

A UAS may 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. Additionally, a UAS may not be used to monitor or record residential hallways or residential common areas. Also, a UAS may not be used to monitor or record sensitive institutional workspaces, computers or other electronic displays.

UAS operation shall not pose an unacceptable threat to safety or privacy. Approval, once granted, may be rescinded regarding any UAS operation that is deemed to create a hazard or interference with any campus function or activity.

Drones Under 0.55 pounds (250 grams)

UAS flown for educational or recreational purposes are regulated by the FAA under the exception for Limited Recreational Operations of Unmanned Aircraft or under the Small Unmanned Aircraft System Rule. This regulation states that UAS flown for educational and recreational purposes may be operated under 49 U.S. Code § 44809 for qualifying educational organizations. Qualifying educational organizations include: institutions of higher education, Junior Reserve Officers' Training Corps (JROTC) programs, and educational programs chartered by an FAA-recognized Community Based Organization.

All recreational and educational flyers are only permitted to use units that weigh less than or equal to 0.55 pounds (250 grams) and must be registered with the FAA and the pilot has a current FAA TRUST certificate.

The Recreational UAS System Test (TRUST) certification is a brief training program designed by the FAA and is available for free through multiple online resources. Its purpose is to teach recreational and educational users on the proper use, operation and restrictions for UAS flight. This certification is required by the FAA and authorizes the participant to fly a UAS under 0.55 pounds (250 grams) upon completion. All recreational and educational flyers must complete the FAA TRUST program with the applicable testing requirement and a signed certificate of completion that must be submitted to the Environmental Health and Safety Office 14 calendar days prior to the established fly date before final approval will be granted for UAS use on campus.

Drones over 0.55 pounds (250 grams) to 55 pounds

Operation of a drone that weighs more than 0.55 pounds (250 grams) must comply with 14 CFR Part 107. Additional documentation and advanced certifications compliant with 14 CFR Part 107 is required for the operations of these types of drones.

These drones must be registered with the FAA and the operator must have a Remote Pilot Certificate. The registration, remote pilot certificate and any other supporting documentation must be submitted for review with the flight plan for approval. A flight plan that includes operation at an altitude greater than 400 feet must contact the appropriate local stakeholders whose airspace may be impacted.

Departments seeking to purchase a drone over 0.55 pounds (250 grams) must provide evidence that the faculty or staff member requesting the unit has a current remote pilot certificate prior to purchase approval. Third party commercial flyers, such as hired contractors, must provide proper proof of insurance to be submitted to the Office of Environmental Health and Safety prior to approval for flight on campus. The evidence of insurance must include general liability coverage with a $2,000,000 per

occurrence limit. Fitchburg State University, its officers, employees, and agents must be added as an additional insured.

Drones weighing more than 55 pounds are not permitted for use on campus.

Failure to follow this policy may result in disciplinary action and could lead to local and federal penalties.

Definitions:

***Commercial Use*:** The commercial use of UAS is the operation of an unmanned aircraft for compensation or sale to another individual. The use of UAS for the purpose of student instruction and/or demonstration purposes is no longer considered commercial use. Beyond this you should check with the FAA for further determination as to what constitutes commercial or other non-hobby, non-recreational UAS operations.

Educational Use: Drones flown for educational and research purposes for students of Higher Education Institutions.

***Recreational Use*:** The recreational use of UAS is the operation of an unmanned aircraft for personal interests and enjoyment. For example, using a UAS to take photographs for your own personal use would be considered recreational. You should check with the FAA for further determination as to what constitutes commercial or other non-hobby, non-recreational UAS operations.

University Property: all real property owned by, leased by, or otherwise subject to control of the Fitchburg State University and its Board of Trustees.

***Unmanned Aircraft Systems (UAS)*:** 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. A UAS may have a variety of names including drone, unmanned aircraft vehicle, unmanned aircraft, quadcopter, quadrotor, etc.

Fitchburg State University
Release and Hold Harmless Agreement

In consideration of the use of Fitchburg State University Unmanned Aircraft Systems (UAS), also known as “drones”, by the undersigned “User,” the User hereby recognizes, acknowledges and assumes any and all risks pertaining to the use of such property.

To the fullest extent permitted by law, the User hereby agrees to release, defend, indemnify and hold harmless Fitchburg State University, its trustees, agents and employees, against all injuries, deaths, loss, damages, claims, suits, liabilities, judgements, costs and expenses (including attorney’s fees), which may in anywise accrue against the University, it’s trustees, agents or employees arising in whole or in part or in consequence of the use of any UAS (University owned or otherwise) while on campus property by the User, its employees, agents, subcontractors or any third party, or which may in anywise result therefore, except as arising out of sole legal cause of the University, its trustees, agents or employees.

Agreed this _____ day of _____, 20_____

(Printed Name of the User of UAS on University Property)

(Signature of User)

(Organization of User if Applicable)

For the University:

Department Chair (if applicable), print, sign and date

Environmental Health and Safety Office representative, print, sign and date

Fitchburg State University
Drone Proposed Flight Plan Form

Please submit this completed form at least 14 calendar days in advance of requested flight date to the Environmental Health and Safety Office via email to environmentalsafety@fitchburgstate.edu in addition to the signed Release and Hold Harmless Agreement and your FAA TRUST certificate or your Remote Pilot Certificate with all applicable documentation. Upon decision this form will be returned to you.

Operator name (print):

Date and time of proposed flight:

Email:

Operator Phone Number (must be reachable during flight):

Drone Weight:

Location(s) of flight:

Purpose of flight: ☐ Recreational ☐ Educational ☐ Commercial

Drone Registration Number:

Please provide a copy of TRUST Certification and/or Remote Pilot Certificate from the FAA :

By signing this form, the operator agrees to abide by all FAA, state, federal and Fitchburg State University drone policy requirements and restrictions.

Operator Signature: Date:

EHS Approval Signature: Date:

EHS Not Approved: Date:

Explanation:_____
_____
_____

Revision Dates and Notes: