

Sam Houston State University
A Member of The Texas State University System
Revised October 4, 2018

President's Office Policy PRE-27

UNMANNED AIRCRAFT SYSTEMS (UAS) ADMINISTRATIVE POLICY

Scope

This policy applies to:

- Sam Houston State University (SHSU or university) employees and students, operating unmanned aircraft systems (UAS or drones) and model aircraft as part of their university employment, activities, or business in any location on or above SHSU property and on or above non-university property;
- Any vendor, guest, third party, or other person(s) operating UAS or model aircraft on or above SHSU property including, but not limited to the university coliseum, stadium, and equestrian center;
- The purchase or construction of a UAS or model aircraft with SHSU funds, accounts, grants, contracts or SHSU Foundation accounts, and;
- The hiring or contracting of unmanned aircraft services by a SHSU employee authorized by the university to execute such contracts (the committee noted that only the University President can execute such contracts; however, authority may be delegated to university employees as appropriate).

Policy Statement

The Federal Aviation Administration (FAA or Air Traffic Organization), relevant state laws, and University and Texas State University System (TSUS) policies govern operation of UAS, including drones and model aircraft. SHSU complies with all FAA requirements and state laws. UAS activity is only permitted on SHSU property when the use conforms to these authorities and is approved by the SHSU UAS Advisory Committee. The SHSU UAS policies and any UAS Advisory Committee procedures ensure compliance with legal obligations and reduce risks to safety, security, and privacy. Inherent risks associated with the operation of a UAS may require additional insurance, policy considerations, and research.

Definitions

Model Aircraft: Model aircraft is a UAS weighing less than 55 pounds, flown for recreational purposes according to the FAA's Model Aircraft Operations guidelines, including required FAA Registration (The FAA, H.R. 2810, requires all drone owners to register each drone that is purchased weighing between 0.55lbs to 55lbs.). UAS owned or used by SHSU employees and students are not, by definition, model aircraft.

Nano or Pocket UAS: The FAA has not specifically addressed Nano UAS (weight less than 10 grams); however, due to the potential of a small UAS to invade privacy and cause injury, Nano and Pocket UAS are not permitted on SHSU property.

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Pilots in Command (PIC): Pilots in Command (PIC) have full control for all UAS flight operations and must have an FAA remote pilot certificate, FAA Small Unmanned Aircraft Regulations (Part 107), or an FAA Airman Certificate and/or Rating Application) with a current FAA third-class airman medical certificate or a valid U.S. driver’s license issued by a state, the District of Columbia, Puerto Rico, a territory, a possession, or the Federal government.

Property: Buildings, grounds, land, and airspace owned, leased, or controlled by SHSU.

UAS Advisory Committee – The SHSU UAS Advisory Committee (Committee) is comprised of appointed representatives from the [Office of Research and Sponsored Programs \(ORSP\)](#); [Office of Environmental Health, Safety & Risk Management \(EHS & RM\)](#); [Center for Innovation & Technology](#); [College of Science and Engineering Technology](#); [Center for Excellence in Digital Forensics](#); [University Police Department](#), and the TSUS Office of General Counsel as ex officio. This Committee is charged with reviewing purchases of UAS equipment, requests for use of a UAS or model aircraft, and appeal of the policy, procedures, or Committee decisions. Further, the Committee is responsible for establishing compliant procedures for use of UAS and model aircraft.

Unmanned Aircraft Systems (UAS) or Drones: The FAA identifies a UAS as an unmanned aircraft and all of its associated support equipment such as; the control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft. UAS may have a variety of names including drone, quadcopter, quadrotor, etc. FAA regulation applies to every UAS regardless of size or weight.

Policy Guidelines

1. All members of the SHSU community are personally responsible for complying with FAA regulations, state and federal laws, and TSUS policies.
2. Due to federal and state restrictions limiting the purpose and use of UAS and model aircraft, any university employee or student wishing to operate any UAS either on university property or on non-university property, whether owned by the university or operated as part of university employment or program must first obtain approval of the UAS Advisory Committee.
 - a) All requestors must submit their requests to the Committee no less than five (5) business days before the proposed use of UAS. The Executive Director of Environmental Health, Safety & Risk Management and the Chair of the UAS Advisory Committee may approve shorter request times as appropriate.
 - b) Requestors must obtain FAA registration per the Code of Federal Regulations (CFR), Title 14, Chapter I, Subchapter F, Part 107 “SMALL UNMANNED AIRCRAFT SYSTEMS” for the proposed UAS. Employees and students may only operate UAS on behalf of SHSU for professional and/or scholarly endeavors.
 - c) Requestors must provide the name(s) for the UAS Pilots In Command (PIC). All proposed PIC must provide an FAA remote pilot certificate, FAA Small

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Unmanned Aircraft Regulations (Part 107), or an FAA Airman Certificate Rating Application) along with a current FAA third-class airman medical certificate or a valid U.S. driver's license issued by a state, the District of Columbia, Puerto Rico, a territory, a possession, or the Federal government.

- d) Upon securing FAA registration and PIC authorization, prospective operators must submit a [request for approval](#) to the Committee. Requests must be accompanied by (1) proof of FAA registration and PIC authorization and (2) employee certification of having reviewed Texas Government Code Chapter 423 and any other safety material provided by EHS & Risk Management.
 - e) EHS & Risk Management will communicate approvals and/or denials to the requestor with copy to the University Police. EHS & Risk Management shall maintain copies of all UAS requests and disposition of same.
3. Any university employee, student, or unit seeking to purchase a UAS or model aircraft, the parts to assemble a UAS or model aircraft, or UAS or model aircraft services with university funds, including funds disbursed through a university account, contract, or grant funds, must have the prior approval of the UAS Advisory Committee and use purchasing codes provided in this document.
 4. Prior to using UAS or model aircraft on or over SHSU property, a third party must be authorized under a contract through SHSU's Procurement Office, Facilities Use Agreement with UAS provision or by execution of a Memorandum of Understanding (MOU) upon receipt of approval for operations from the UAS Advisory Committee. Third parties planning to use UAS on or over SHSU property must provide the requisite commercial general liability insurance with a minimum limit per occurrence of \$1,000,000 and a minimum aggregate of \$2,000,000. In addition, the third party must list The Texas State University System Board of Regents/Sam Houston State University as additional insured and hold the university harmless from any resulting claims or harm to individuals and damage to university property. Third parties must submit proof of FAA UAS registration and FAA PIC authorization in the form of an FAA remote pilot certificate, FAA 333 Exemption, or FAA CERTIFICATE OF WAIVER OR AUTHORIZATION (COA). FAA documents will be retained by the office of EHS & Risk Management.
 5. During the approved operation of a UAS for purposes of recording or transmitting visual images, operators must take all reasonable measures to avoid violations of areas normally considered private and shall be personally liable for any civil or criminal charges/penalties related to the use of the UAS. See Texas Government Code [Chapter 423. Use of Unmanned Aircraft](#) for potential offenses and associated fines. Violations range from a Class C misdemeanor to penalties upwards of \$10,000 for a single civil violation.
 6. Authorized UAS operators will receive an approval form from the UAS Advisory Committee and must visibly display the approval form when operating a UAS on campus. All uses of UAS must comply with the following Prohibited Uses as listed below.

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7. Anyone taking photographs or videos on university property must follow university guidelines, file the appropriate forms, and obtain university approval as required by University Marketing and Communications, which may be obtained on the university T drive at T:\2012 SHSU Branding Materials.

Prohibited Uses

Each prohibited use applies equally to employees, students, and third parties.

1. UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with the law and accepted social norms. These areas include, but are not limited to, restrooms, locker rooms, individual residential rooms, residential hallways or lounges, changing or dressing rooms, health treatment rooms, or other areas as determined by university administration.
2. UAS shall not be used to monitor or record confidential, sensitive, or personal information, which may be found, for example, on an individual's workspace, on computers, or on other electronic displays.
3. UAS shall not be weaponized, carry flammable materials or explosives, or used in a manner that purposefully compromises the safety and security of individuals and/or property.
4. Model, Nano, and Hobbyist aircraft are prohibited on SHSU property.
5. The FAA currently prohibits operation of a small UAS over anyone not directly participating in the operation, under a covered structure, or inside a covered stationary vehicle. UAS operation from a moving vehicle is prohibited, unless you are flying over a sparsely populated area (source: FAA Part 107).

Exceptions

1. UAS operated under declaration of federal, state, or university emergency may be exempt from these guidelines.
2. Appeals may be submitted to the UAS Advisory Committee.

NOTE: Under FAA guidelines, Temporary Flight Restrictions (TFR) may apply and must be followed.

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Purchasing Codes

1. UAS and related expenses must be coded as follows and should be made on a Purchase Requisition through BearKatBuy.
 - a) \$500 or less: 733405
 - b) \$501 - \$4,999: 737407
 - c) \$5,000 or greater: 737304
2. Purchases of UAS, model aircraft, or related components are not allowable purchases on the PCard, without prior approval through Procurement's PCard Exception Request process.

Sanctions - Violations

1. Legal prohibitions regarding physical presence on campus/trespassing and other legal action may be pursued against third parties that operate UAS or model aircraft in violation of this policy.
2. Fines or damages incurred by individuals or units that do not comply with this policy are the responsibility of those persons involved.
3. Students not complying with this policy shall be referred to the Dean of Students.

Approved by: President's Cabinet
Date: May 2016