

West Virginia University at Parkersburg Board of Governors

**POLICY F-64  
OPERATION OF UNMANNED AIRCRAFT SYSTEMS ON CAMPUS**

**Section 1. General**

- 1.1 Purpose - Rule regarding the operation of unmanned aircraft systems at West Virginia University at Parkersburg.
- 1.2 Scope – This policy applies to West Virginia University at Parkersburg employees and students operating unmanned aircraft systems (UAS) in any location as part of their employment or academic activity assignments and also applies to the unsafe operation by any person of unmanned aircraft systems or model aircraft on or above West Virginia University at Parkersburg property.
- 1.3 Authority – W. Va. Code §§ [61-16-1, et seq.](#), [20-2-5](#), and [21-3-20](#). The [Federal Aviation Administration](#) regulates civil operations of unmanned aircraft systems:
  - a. Operation of small UAS (drones) weighing less than 55 pounds, for other than recreation or hobby purposes, is governed by [14 CFR part 107](#).
  - b. Operation of a UAS weighing 55 pounds or more requires an exemption under [49 U.S.C. § 44807](#) or [Section 2210 of the FAA Extension, Safety, and Security Act of 2016](#).
- 1.4 Effective Date. August 21, 2020

**Section 2. Rationale**

- 2.1 West Virginia University at Parkersburg 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.

**Section 3. Definitions**

- 3.1 **West Virginia University at Parkersburg Property** – Buildings, grounds, and land that are owned by West Virginia University at Parkersburg or controlled by WVU at Parkersburg via leases or other formal contractual arrangements to house ongoing college operations.
- 3.2 **COA** – Certificate of Authorization or Waiver granted by the FAA.
- 3.3 **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.

- 3.4 **Model Aircraft** – Model aircraft are considered differently by the FAA than other UAS and have different regulations. Operation solely for recreation or hobby purposes is governed by 14 CFR Part 101, subpart E, Special Rule for Model Aircraft. Model aircraft are for hobby and recreation only; they are not for business purposes and are not covered by this policy. (Use of UAS related to WVU at Parkersburg does not qualify under model aircraft regulations.) Model aircraft must be kept within visual sightline of the operator, must be flown a sufficient distance from populated areas and must be authorized by the FAA.
- 3.5 **Airspace** – In the broadest sense, any specific three-dimensional portion of the atmosphere. United States airspace is divided into classes – A, B, C, D, E, and G – determined by factors like altitude, traffic density, and proximity to an airport. FAA regulations allow small UAS flight operations in Class G (uncontrolled) airspace. Operations in Class B, C, D, and E airspace requires permission of air traffic control. Flight operations in Class A airspace are prohibited. Flight operations inside specific portions of any class of airspace can be further restricted or prohibited by the FAA.
- 3.6 **Pilot in Command (PIC)** – The person responsible for the small UAS's operation and safety during flight. Federal regulations allow the PIC of a small UAS to allow another person to operate the controls of the small UAS, but the PIC is directly responsible for and is the final authority as to the operation of the small UAS and must be able to resume control of the small UAS at any time. This does not relieve the PIC of his or her responsibility to maintain visual contact with the small UAS when not under his or her direct control. The PIC can only be responsible for one aircraft at a time.
- 3.7 **Temporary Flight Restriction (TFR)** – A restriction on an area of airspace due to the movement of government VIPs, special events, natural disaster or other unusual events. On any given day, there are typically several TFRs in place across the National Airspace System. Most non-VIP TFRs are small in scope, in non-critical locations or allow for some aspect of general aviation to operate within them, albeit with some restrictions. A list of current TFRs can be found at <http://tfr.faa.gov/tfr2/list.html>

#### **Section 4. Policy**

- 4.1 This policy does not replace, and is complementary to, the FAA rules and regulations that control every small UAS deployment and help ensure the safe operation of all aircraft.
- 4.2 The operation of unmanned aircraft systems, including drones and model aircraft, is regulated by the Federal Aviation Administration (FAA) and relevant state law. Additional FAA requirements apply to locations within five miles of a regional airport.
- a. The proximity of the main campus of West Virginia University at Parkersburg to the Mid-Ohio Valley Regional Airport (9.5 miles) and FAA regulations for Low Altitude Authorization and Notification Capability (LAANC) must also be considered when operating unmanned aircraft systems from this location.
- 4.3 All members of the WVU at Parkersburg community are personally responsible for complying with FAA regulations, state and federal laws, and college policies. UAS operators are also responsible for any safety hazard created by their drone or model aircraft in an airport environment.
- a. All WVU at Parkersburg registered UAS will be authorized for approved educational or operational purposes only.
- b. Any employee or student wishing to operate unmanned aircraft systems as part of their college employment or as part of a college program must first:

- pass the FAA Basic Aeronautical Knowledge Test and obtain an Airman Certificate with small UAS rating and comply with any renewal/retesting requirements of the FAA in order to maintain that certification and rating;
- operate as a Part 107 Pilot in Command, or
- obtain a 333 exemption, or
- obtain a Certificate of Waiver or Authorization (COA) issued by the FAA;
- submit the required applications for both the UAS and the pilot/operator to the West Virginia Board of Risk and Insurance Management (BRIM).

4.4 In accordance with FAA rules governing the operation of Small Unmanned Aircraft Systems under Part 107, the unmanned aircraft/drone:

- a. Must be registered if over 0.55 lb;
- b. Must fly only in uncontrolled airspace;
- c. Must be kept in a visual line-of-sight by the operator;
- d. Must fly under 400 feet;
- e. Must fly during the day;
- f. Must fly at or below 100 mph;
- g. Must yield right of way to manned aircraft;
- h. Must NOT fly over people;
- i. Must NOT operate from a moving vehicle.

4.5 To the extent enforceable by applicable local, state, and federal laws, any third party or hobbyist wishing to use a UAS or model aircraft over WVU at Parkersburg property must:

- a. notify the WVU at Parkersburg Campus Police and Security Office
- b. provide proof of FAA approval
- c. be under a contract which holds WVU at Parkersburg harmless from any resulting claims or harm to individuals and damage to college property
- d. provide proof of insurance

4.6 The operation of a UAS for purposes of recording or transmitting visual images must comply with the *West Virginia Wiretapping and Electronic Surveillance Act* (W. Va. Code § 62-1D-1, et seq.) and the provisions of W.Va. Code § 61-16-2, *Prohibited use of an unmanned aircraft system; criminal penalties*.

## **Section 5. Prohibited Uses of UAS**

5.1 UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms and W. Va. Code § 21-3-20. These areas include but are not limited to restrooms, locker rooms, and changing or dressing rooms.

5.2 UAS shall not be used to monitor or record the insides of campus daycare facilities.

- 5.3 UAS shall not be used to monitor or record sensitive institutional or personal information which may be found, for example, in individual workspaces or on computer or other electronic displays.
- 5.4 WVU at Parkersburg registered UAS shall not be used for personal purposes or commercial purposes that are not sponsored by WVU at Parkersburg.
- 5.5 UAS shall not be used “to hunt, take, wound, harass, transport, or kill a wild bird or wild animal, or....to drive or herd any wild bird or wild animal for the purposes of hunting, trapping, or killing,” per W.Va. Code § 20-2-5.

**Section 6. Sanctions**

- 6.1 Violations of this policy may result in disciplinary actions up to and including termination from employment or student expulsion.
- 6.2 No-trespass or other legal actions may be pursued against third parties who damage WVU at Parkersburg property or create an unsafe environment to individuals on any campus of WVU at Parkersburg.
- 6.3 Fines or damages incurred by individuals or units that do not comply with this policy will not be paid by WVU at Parkersburg and will be the responsibility of those persons involved.

**Section 7. Delegation**

- 7.1 The Board of Governors delegates to the President the authority to establish procedures consistent with this rule as needed to ensure compliance with state and federal regulations and to reduce risks to safety, security and privacy.