Unmanned Aviation System (UAS) Guidelines

The intent of this document is to provide guidelines to those considering using a UAS, also known as drone, on or near College premises or at College-sponsored events. This includes UAS operation as part of organized activities of the College, as well as private, recreational or commercial use by students, faculty, staff or third parties. This document is not intended to be all-encompassing or an authority on the legal use of a UAS. The information and resources are offered as a guide toward safe and responsible UAS operation, realizing that both federal and state laws are in flux. Users of a UAS should be aware that it is illegal to use such equipment contrary to current laws, and violators may be subject to significant fines, penalties, personal liability and disciplinary action by the College.

What You Should Know

- UASs/Drones are regulated by the Federal Aviation Administration (FAA), regardless of weight or size. The FAA is responsible for the regulation and oversight of civil aviation within the U.S.
- Small UASs are those considered less than 55 lbs. UASs in excess of 55 lbs. are subject to additional certifications and approvals and are not allowed.
- You may need FAA permission to operate a UAS. The FAA distinguishes between hobby/recreational purposes and business/commercial purposes.
  - Public/Government Entities, which would include Ivy Tech, generally are required to apply for a Certificate of Authorization (COA).
  - Civil/Non-Government Entities, if flying for recreational or hobby purposes, must register the aircraft if it weighs between .55 and 55lbs.
  - Civil/Non-Government Entities, if flying for a business or commercial use, must first be authorized by the FAA by filing a Section 333 Exemption.
- The FAA’s May 4, 2016 memorandum clarifies its interpretation of hobby or recreational use. It asserts that UAS may be used to conduct demonstrations at schools or other community-sponsored events provided the person operating the aircraft is (1) not compensated, or (2) any compensation received is neither directly nor incidentally related to that person’s operation of the aircraft at such events.

It considers students that operate UAS in connection with fulfilling curricula lawfully pursuant to section 336 to be hobby or recreational use, so long as the student is not directly or indirectly compensated. Further, faculty teaching such curricula may assist students with UAS operations under section 336, provided that their participation is limited (i.e. the faculty member steps-in to regain control from a student who has lost control) in the student’s UAS operations.

A faculty member engaging in the operation of an unmanned aircraft, as part of professional duties for which he or she is paid, would not be engaging in a hobby or recreational activity. Such use would require a COA.
Any UAS activity strictly for recreational or hobby purposes is considered a Model Aircraft operation and the Model Aircraft must be operated in accordance with Section 336 of Public Law 112-95. The following special rules apply:

- College-owned UASs must be registered with Central Office Human Resources (Risk Management) in order for property and liability insurance to apply. Please report the following: type, make/serial #, size, usage description, and evidence of a Certificate of Authorization.
- Any individual or group seeking to operate on College property or at College-sponsored events, or anywhere on behalf of Ivy Tech, is responsible for obtaining approval by completing a Request for Approval at least ten (10) business days prior to the planned operation.
- All other rules for both commercial and recreational operation apply including:
  - Fly below 400 feet and remain clear of surrounding obstacles
  - Keep the aircraft within visual line of sight at all times
  - Remain well clear of and do not interfere with manned aircraft operations
  - Don’t fly within 5 miles of an airport unless you contact the airport and control tower before flying
  - Don’t fly near people or stadiums
  - Don’t fly an aircraft that weighs more than 55 lbs.
  - Don’t be careless or reckless with your unmanned aircraft – you could be fined for endangering people or other aircraft
- If the campus is situated within 5 miles of an FAA regulated airport; the campus, control tower and the airport operator must agree to a flight plan. One must also be mindful of heliports operating in the area and develop a communication system that addresses potential encounters with incoming and departing aircraft.

Guiding Principles for the Use of UAS on College Property

- Compliance with College guidelines and policy
- Compliance with FAA regulations and other federal, state, and local laws (current and future)
- Alignment with the missions and strategic plan of College
- Responsible and respectful operation with a commitment to protection of property, privacy*, and safety
- Communication with key parties internal and external to the College (including notification of adjacent landowners prior to flight)
- Adherence to the incident reporting requirements of the FAA and to the College

*In operating 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 the unauthorized interception or recordings of images, electronic communications, and electronic data. Any data inadvertently obtained on non-consenting individuals or their property must be minimized or eliminated.
Insurance Requirements for Third Party Operators

The College reserves the right to change these requirements based on its determination of risk.

1) Commercial Operators
   a) Aircraft Liability
      i) Owned aircraft liability: $2 million
      ii) Non–Owned aircraft liability: $2 million

2) Hobbyists
   a) Aircraft Liability
      i) Unless you can provide a certificate of insurance from your general liability insurance company (usually your homeowners insurance carrier) stating their policy applies to liabilities, in the amounts stated below, arising from the use of model/hobby aircraft, you must provide the following:
         (1) Owned aircraft liability: $500,000; and
         (2) Non-Owned aircraft liability: $500,000; or
         (3) Proof of coverage for at least $500,000 through the Academy of Model Aeronautics.

     ii) You must obtain a certificate of insurance from your agent showing these coverages. Ivy Tech Community College of Indiana must be shown as the certificate holder and named an Additional Insured

Indiana State Laws and Acts

- Indiana’s law (IC 35-46-8.5-1) includes a provision that potentially criminalizes drone usage if the pilot takes video or pictures of another person or property without their consent.
- House Enrolled Act 1009 — requires police agencies obtain a search warrant before using a drone, with some exceptions. Requiring that police have a search warrant before using a drone unless it involves “exigent circumstances” that would threaten life or public safety.

Key Links

UAS FAQs - https://www.faa.gov/uas/faq/#qn20

UAS Regulations & Policies - https://www.faa.gov/uas/regulations_policies/


http://knowbeforeyoufly.org/