



05.450 Interim Policy on the Purchase and/or Operation of Unmanned Aircraft Systems (UAS)

Authority: Chancellor

History: Established October 2019

Sources of Authority: Federal Aviation Administration Modernization and Reform Act of 2012, 49 U.S.C. § 47101; N.C.G.S. § 15A-300.2

Related Links: [05.380 Filming on University Property](#); [05.152 Procurement of Equipment, Supplies and Services](#); [03.370 Export Control Compliance](#)

Responsible Offices: Enterprise Risk Management; Sponsored Programs & Research Compliance; University Police Department; Environmental Health & Safety

I. Purpose

University of North Carolina Wilmington recognizes the potential research and educational value of Unmanned Aircraft Systems (UAS). This Policy establishes interim standards for university-sponsored purchases of UAS and the operation of UAS on University Property or as part of one's employment or academic program. This Policy is not a substitute for regulations and requirements of the Federal Aviation Administration (FAA), the North Carolina Department of Transportation (NCDOT), or other governing jurisdiction. This Policy is further supplemented by other University policies that incidentally apply to UAS activities.

II. Scope

This Policy applies to all members of the UNCW community, including but not limited to employees (faculty and staff), students, student organizations, vendors and any other individuals who purchase or are operating a UAS as part of their employment or as part of any university-related research or activity. This Policy also applies to any person, organization, or entity seeking to operate a UAS on University Property, whether or not such person, organization, or entity is affiliated with the university. Any person, organization, or entity subject to this Policy is individually responsible for understanding and complying with FAA and NCDOT regulations, in addition to other applicable federal and state laws and university policies.

III. Definitions

Public Certificate of Waiver or Authorization (COA) – The COA is an authorization issued by the FAA to a public operator for a specific UAS activity. The University does not possess a COA.

Model Aircraft – A type of UAS used for hobby and/or recreation purposes and in most cases weighing less than 55 pounds. Model aircraft used for such purposes are subject to Section 336 of Public Law 112-95 (the “Special Rule for Model Aircraft”), unless the Operator instead chooses to abide by Part 107. Student use of UAS in a course or in connection with their academic coursework may qualify as Model Aircraft operations under Section 336, as may an instructor’s limited assistance of a student Operator in such course.

Part 107 – Part 107 of the Federal Aviation Regulations, also referred to as the “Small UAS Rule,” contains rules for non-hobbyist UAS operations for UAS weighing less than 55 pounds. Most UAS operations as a University-Related Activity will be governed by Part 107.

Operator – Any person controlling the flight of a UAS, whether through the direct operation as a pilot or under the supervision of a remote pilot in command.

University Property – Buildings, grounds and land owned or controlled by the University and the airspace above them. This includes property leased, rented or otherwise contractually reserved for UNCW operations, either permanently or on a temporary basis.

University-Related Activity – Any event, function, research, or activity sponsored by or conducted under the auspices of the University (including an academic department). Any activity conducted with UAS purchased with University funds qualifies as a University-Related Activity. Any activity conducted as part of an individual’s University employment is a University-Related Activity. An activity sponsored or conducted by a student organization is not a University-Related Activity.

Unmanned Aircraft Systems (UAS) – UAS are also referred to 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. FAA regulation applies to UAS regardless of size or weight, though registration and operating requirements may differ.

IV. Purchasing and Pre-Operation Standards

- A. Any person or department seeking to purchase a UAS with University funds, funds disbursed through a University account, or grant funds must follow existing procedures for the purchase of equipment applicable to the source of funds.
- B. Following purchase with funds described in Paragraph A, the purchaser must notify Enterprise Risk Management for purposes of maintaining an up-to-date inventory of University UAS and to determine insurance requirements.
- C. An Operator intending to operate UAS under the authority of Part 107 or Section 336 as a University-Related Activity must comply with FAA registration requirements. It is the Operator’s responsibility to comply with any registration cancellation requirements upon the loss, destruction, transfer, or surplus of a UAS.
- D. Licensure and Permitting

As a precondition of operating UAS as part of a University-Related Activity or on University Property, as applicable, an Operator must satisfy and submit proof of applicable licensure and permitting requirements.

1. Federal (FAA):
 - An Operator intending to operate UAS under the authority of Part 107 must obtain and submit an FAA Remote Pilot Certificate (or submit written plans for operating under the direct supervision of a person who does hold a remote pilot certificate).
 - An Operator intending to conduct UAS operations that will not conform to Part 107 rules must obtain and submit a Part 107 waiver from the FAA.
 - An Operator intending to operate Model Aircraft, may, in lieu of abiding by Section 336, obtain and submit an FAA Remote Pilot Certificate and operate under the authority of Part 107.
 - Alternatively, an Operator is responsible for obtaining Special Airworthiness Certification for a UAS prior to operation.
2. State of North Carolina (NCDOT):
 - An Operator intending to operate UAS as a University-Related Activity in North Carolina must take and pass the NCDOT's Unmanned Aircraft System Operator's Knowledge Test and receive and submit a state permit.
 - Commercial and recreational UAS operations conducted on University Property (*i.e.*, those that do not qualify as a University-Related Activity), if permitted, must provide proof of receipt of a North Carolina permit, if required under state law.
3. Other Jurisdictions:
 - It is the responsibility of the Operator to obtain and provide proof of any necessary permits or licenses required for the lawful operation of UAS outside the United States or State of North Carolina for a University-Related Activity.

All UAS operations to occur on University Property must also be approved by Enterprise Risk Management, as detailed in Section V below. Receipt of a federal or state license, permit, or waiver is a pre-condition for, but does not guarantee, approval for UAS operations on University Property.

V. Operating UAS and Approval for Operation

A. Operating UAS as a University-Related Activity

1. An individual or department planning to operate UAS as a University-Related Activity on or off University Property must first contact Enterprise Risk Management, which shall establish procedures for collecting licensure/permit information, required insurance information, and approving operations. Operations on University Property are only permitted in the area(s) specifically approved by the University. Enterprise Risk Management may grant a waiver to specific University departments (*i.e.*, Office of University Relations) for the notice requirement established in this Section. All main

campus operations, which fall within Class D restricted airspace, are subject to FAA authorization (via LAANC, its online approval system).

2. If not on University Property, the activity must be performed with permission from the entity possessing control over the off-campus property. Written agreements must be reviewed and approved in accordance with existing University procedures.
3. UNCW [Export Control procedures](#) apply to international travel involving UAS.

B. Recreational or Commercial Operation on University Property

*****Note: The airspace above UNCW's main campus is Class D controlled airspace. At this time, recreational UAS use on University Property is not permitted and will not be approved.*****

1. In accordance with N.C.G.S. § 15A-300.2, no UAS may be launched or recovered from University Property without consent.
2. If any employee, student, student organization, or third party wishes to operate a UAS or Model Aircraft on University Property for purposes that do not qualify as a University-Related Activity, the individual (or organization) must submit a request form and receive approval from Enterprise Risk Management.
3. Request forms are available on the Risk Management web site and should be submitted at least two (2) weeks in advance of the planned operation.
 - a. As a prerequisite to receiving approval, the request form will at a minimum require the following to be submitted: (i) proof of general liability insurance coverage with a \$1,000,000 per occurrence limit, naming "University of North Carolina at Wilmington" as an additional insured; (ii) appropriate FAA certification; (iii) NCDOT permit, if required; (iv) proof of UAS registration; and (v) a signed waiver, supplied by the university, which holds the university harmless from any resulting claims or harm to individuals and damage to university property.
 - b. The ERM designee will review the request and make a determination using criteria that may include, but are not limited to:
 - Provision of all required information and documentation;
 - Proposed time and location of operation;
 - Availability of university staff to monitor the proposed operation;
 - Potential disturbance to university activities;
 - The applicant's previous UAS operations, if any, on University Property;
 - Explanation of data collection and purposes for the collection (if any); and
 - If the proposed operation will involve recording or transmitting visual images, the applicant must explain measures that will be taken to avoid potential privacy violations.

4. Operations must be conducted in strict accordance with FAA and North Carolina rules and guidelines, in addition to any other location-specific restrictions established by the University as a condition of approval for the operation on University Property.
5. Any video or photographic footage of University Property obtained via UAS intended for commercial use must be submitted and approved by the Office of University Relations in advance. Commercial operations must otherwise comply with [Policy 05.380 Filming on University Property](#) and Policy 02.550 University Photography Policy.

C. Outdoor Course Use

1. In general, students may operate Model Aircraft-type UAS outdoors as part of a course or in connection with their academic coursework under Section 336 without obtaining FAA certification as would be required under Part 107 or NCDOT permit. The University requires any such use to occur under the direct supervision of the course faculty.
2. Likewise, faculty may provide limited assistance to the student Operator without obtaining FAA certification as would be required under Part 107. The student must maintain control of the UAS such that the faculty member's manipulation of the UAS is incidental to the student's control.
3. However, a faculty member who operates UAS while engaging in research activity or teaching a course must abide by Part 107, including obtaining required FAA certification and NCDOT permit. A student who operates UAS for research on behalf of a faculty member is likewise required to abide by Part 107 and obtain FAA certification and NCDOT permit.
4. The approval requirements in Section V.A apply to outdoor course use.

VI. Privacy and Safety

Preserving individuals' rights to privacy and establishing standards for safe operation of UAS on campus are essential to maintaining a successful UAS culture. Operators are responsible for understanding and obeying applicable civil and criminal laws.

A. Privacy

1. UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy or there exists sensitive institutional or personal information. These areas include, but are not limited to, restrooms, locker rooms, individual residential rooms, changing or dressing rooms, health treatment rooms, and indoor workspaces/offices.
2. North Carolina law generally prohibits the use of UAS for conducting surveillance of a person, an occupied dwelling (including its curtilage), and other private

property without consent and photographing individuals without consent in certain circumstances (N.C.G.S. § 15A-300.1(b)).

3. Any data inadvertently obtained on non-consenting individuals or their property must be destroyed or otherwise permanently deleted immediately. When unintentional data collection occurs, all reasonable efforts must be made to ensure that the data are not abused in any manner or transmitted.
4. The intentional collection, use, and dissemination of data must be in accordance with an approved data collection plan and otherwise comply with applicable law and policy.

B. Safety

1. An Operatory may not operate UAS in a careless or reckless manner.
2. UAS may not fly closer than thirty (30) feet from any University building.
3. UAS may not fly over people without advance, written approval from the University and submission of a Part 107 waiver.
4. Enterprise Risk Management and/or EH&S may establish additional safety standards or condition the approval of individual operations on additional safety standards.

VII. Law Enforcement Exception

The operation of UAS by the University Police Department is exempt from this Interim Policy to the extent permissible under N.C.G.S. §§ 15A-300.1(c)-(c1), provided UPD has had sufficient training on the specific model UAS to be employed and adheres to FAA and NCDOT rules and guidelines. Federal and State law apply to law enforcement activities.

VIII. Violations

In addition to any potential action taken by the FAA, NCDOT, other authorities or individuals for violations of regulation or criminal or civil law, a violation of this Interim Policy may be grounds for disciplinary action up to and including termination (for employees) or suspension or expulsion from the university (for students), in accordance with staff employment policy, the Faculty Handbook, and Code of Student Life. Legal prohibitions regarding physical presence on campus (*i.e.*, trespassing) and other legal action may also be pursued against third parties who operate UAS in violation of this Interim Policy. Fines or damages incurred by individuals or departments not in compliance with this Interim Policy will be the responsibility of those individuals or departments.