POLICY

Effective Date: November 29, 2021
Approved By: President Sabah Randhawa
Authority: RCW 28B.35.120(12); FAA Part 107, WAC 292-110-010; WAC 516-35; WAC 516-36

See Also:

<table>
<thead>
<tr>
<th>Document #</th>
<th>Document Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRO-U6500.03</td>
<td>Request to Fly Third-Party Drone From or Over University Property</td>
</tr>
<tr>
<td>FRM-U6300.03</td>
<td>Request to Fly Third-Party Drone From or Over University Property</td>
</tr>
<tr>
<td>POL-U6500.01</td>
<td>Filming, Photography or Video Production on University Property</td>
</tr>
<tr>
<td>POL-U5400.01</td>
<td>Using University Resources</td>
</tr>
<tr>
<td>POL-U5348.05</td>
<td>Authorizing Agreements and Contracts</td>
</tr>
<tr>
<td>POL-U5315.02</td>
<td>Affording Individual Privacy Rights</td>
</tr>
</tbody>
</table>

FAA Unmanned Aircraft Systems (UAS) Website (includes details about FAA Part 107)

POL-U6300.03 USING DRONES AT WESTERN

The use of drones provides significant opportunity for the University to enhance its research, educational and service missions, and to support its administrative functions. This policy applies to all University faculty, students, staff, registered volunteers, and contractors who are using University drones or third-party drones for official University business, including flights from or over University property. It also applies to anyone using drones for recreational purposes from or over University property.

Definitions:

Department Heads:
Academic department chairs and deans, directors of academic and non-academic units, and others who have direct oversight responsibility for the use of drones within their respective areas.

Drone:
An aircraft without a human pilot onboard. It is defined as an unmanned aircraft system (UAS) by the Federal Aviation Administration (FAA), but may be called an unmanned aerial vehicle (UAV), quadcopter, quadrotor, model aircraft, RPAS (Remotely Piloted Aircraft System) or something similar.

Official University Business:
Activities performed by faculty, students, staff, registered volunteers, or contractors as directed by the University in order to accomplish University programs or as required by the duties of their position or office. Use of drones for official University business may occur on campus or during University sponsored activities off-campus.
POLICY

Operator:
The person operating a drone.

University Property:
Real property that is owned, leased, rented or controlled by the University.

University Drones:
Drones that are owned and/or operated (e.g. rented) by the University.

Third-Party Drones:
Drones that are owned and operated by a third-party individual or entity on behalf of the University.

1. Department Heads Ensure Compliance with Regulations, Laws and Policies

Department heads are responsible for ensuring that their area’s use of University drones or third-party drones complies with FAA Part 107 regulations, applicable state and local laws, applicable University policies (including this policy), and applicable regulations and laws in other countries.

Department heads approve the purchase of University drones for their areas and arrange for insurance coverage as outlined in Section 6.

2. Use of Drones on Behalf of the University Complies with FAA Part 107 Regulations

University drones and third-party drones will only be flown for official University business and will comply with FAA Part 107 regulations, the FAA basic rules for flying small drones for work or business.

As part of compliance with FAA Part 107 regulations, an operator of a University drone or third-party drone must hold a FAA remote pilot certificate with a small UAS rating, or be under the direct supervision of a person who does hold a FAA remote pilot certificate (remote pilot in command), in compliance with FAA Part 107 regulations. In addition, drones must be registered with the FAA and marked with the assigned registration number.

University drone use in another country will comply with applicable regulations while operating in that country as well.

3. Drones Operating From or Over University Property Require Prior Approval

Operators of University drones or third-party drones that are planning to operate from or over University property must obtain prior written approval from the Office of University Communications using procedure PRO-U6300.03 Request to Fly Drone Third Party From or
POLICY

Over University Property and FRM-U6300.03 Request to Fly Third Party Drone From or Over University Property. The form is also reviewed by Risk Management.

A portion of the north end of the University’s main campus is located within Bellingham International Airport’s Class D controlled airspace. Therefore, operators must also obtain FAA approval before operating within that portion of the airspace over the University’s main campus.

Exception: This Section 3 does not apply to University faculty, student and staff operators of University drones that are flying from or over University property on official University business for educational, instructional or public safety purposes. However, operators are strongly encouraged to notify the Office of University Communications to avoid potential conflict with other planned drone flights. This exception does not apply to the required FAA approval before operating within the airport’s controlled airspace over the north end of the University’s main campus. All other sections of this policy still apply.

4. **Recreational Use of Drones From or Over University Property is Not Allowed**

Drones may only be used for official University business when operating from or over University property. Recreational use of drones is purely for fun or personal enjoyment and is not allowed from or over University property for safety and privacy reasons.

5. **University Drone Use Must Be Insured**

All drones operating on official University business must have liability insurance coverage:

a) Operators of University drones will maintain liability insurance under the University’s drone insurance program through Risk Management. Operators must notify Risk Management to obtain insurance coverage.

b) The University does not provide physical damage insurance for University drones. Departments are responsible for the cost of repair or replacement of their lost or damaged drones.

c) Third-party drone operators will comply with the insurance requirements outlined in Section 6.

6. **University Use of Third-Party Drones Require a Written Contract and Insurance**

Contract Administration, in consultation with the Office of University Communications and Risk Management, may require that third-party drone operators execute a written contract with the University that describes each party’s respective responsibilities, expectations, and liability relating to the operation of the third-party drone.
POLICY

Whether or not a written contract is executed, all third-party drone operators will provide the Office of University Communications and Risk Management with a certificate of liability insurance that includes additional insured status in favor of the University.

7. **University Drone Videos and Aerial Photographs Are Subject to Public Records Disclosures and Records Retention**

Drone videos and aerial photographs created by University drones and third-party drones are subject to the State of Washington Public Records Act and may be disclosed under a public records request (RCW 42.56).

Department heads are responsible for ensuring that their area’s drone videos and aerial photographs are properly archived and retained as required by University Archives and Records Management. This department is available to assist department heads with specific retention questions.

8. **Operators Make Privacy a Priority**

The privacy of legally protected personal information must be maintained by all operators, including operators of university drones and third-party drones.

Operators will not use a drone to monitor or record activities of people where there is a reasonable expectation of privacy, like university residence halls and rooms, private residences, changing and dressing rooms, healthcare centers, counseling centers, daycare centers, or similar locations.

Operators will only fly drones over private property in compliance with applicable laws.

Operators will not publicly disclose images collected via drone that identify a particular person or that can be linked to a person’s name or other personally identifiable information. Operators must undertake a reasonable effort to obfuscate or de-identify the identity of the person unless the person provides specific consent in writing to the drone operator before disclosure.

*Exception:* The privacy policy statement above does not limit the lawful public disclosure of images collected by drones that is protected by the first amendment to the Constitution of the United States and Article I, sections 4 and 5 of the Washington state Constitution.

9. **Operators Report Accidents or Incidents, and Violations**

Operators are required to report to Risk Management any accidents or incidents involving university drones or third-party drones resulting in injuries, death, property damage or privacy violations. University drone operators report to Risk Management any citation or fine received in violation of FAA regulations, or equivalent regulations in another country.
POLICY

Risk management will report accidents, incidents, and violations to the appropriate Vice President, and appropriate University departments such as Environmental Health and Safety, Public Safety/University Police and Office of University Communications.