



## TEXAS TECH UNIVERSITY™

### Operating Policy and Procedure

#### **OP 76.07: Purchasing Approval and Flying of Unmanned Aircraft Systems on Texas Tech Property**

**DATE:** November 5, 2018

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to establish a policy to ensure Texas Tech University complies with Federal Aviation Administration (FAA) requirements and applicable state and local laws and regulations for unmanned aircraft systems (UAS). This OP also seeks to formalize the process for Texas Tech University to manage the presence of unmanned aircraft systems on Texas Tech University property to foster growth in research while protecting persons and property.

**REVIEW:** This OP will be reviewed in May of every even-numbered year by the Chief of Police with substantive revisions forwarded to the Chief Compliance and Security Officer.

#### **POLICY**

The Federal Aviation Administration has jurisdiction over all navigable airspace in the United States. All unmanned aircraft systems (UAS) operations for commercial or business purposes are subject to FAA regulation. In order for public universities to operate UAS for research purposes, **they must apply for and be granted a Certificate of Authorization (COA)** or have a Remote Pilot Certificate from the FAA. Student/Hobbyists have been granted an exception if they meet the requirements set forth by the FAA.

Operation of UAS have inherent risk and require insurance provisions and policy considerations when purchased with Texas Tech funds or operated on Texas Tech property. The policy described herein ensures Texas Tech University has clear lines of authority and well-defined internal processes to identify, manage, and mitigate risk, and thus ensure safe and legal operation of UAS in furtherance of its institutional goals and objectives.

##### **1. Definitions**

- a. Texas Tech University Property (TTU): Buildings, grounds, and land that are owned by TTU or controlled by TTU via leases or other formal contractual arrangements to house ongoing TTU operations.
- b. Unmanned Aircraft Systems (UAS): A UAS is the unmanned aircraft (UA) and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft.

- c. Unmanned Aircraft (UA): UA is the flying portion of the system, flown by a pilot via a ground control system, or autonomously through use of an on-board computer, communication links and any additional equipment that is necessary for the UA to operate safely.
- d. Model Aircraft (MA): A model aircraft is an unmanned aircraft that is capable of sustained flight in the atmosphere, flown within visual line of sight of the person operating the aircraft, and flown only for hobby or recreational purposes.
- e. Certificate of Authorization or Waiver (COA): An authorization issued by the Air Traffic Organization to a public operator for a specific UA activity. After a complete application is submitted, FAA conducts a comprehensive operational and technical review. In most cases, FAA will provide a formal response within 60 days from the time a completed application is submitted.
- f. 333 Exemption based on Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) which grants the Secretary of Transportation the authority to determine whether an airworthiness certificate is required for a UAS to operate safely in the National Airspace System.

## **2. Application of Policy**

- a. Policy applies to:
  - (1) Texas Tech employees and students operating UAS in any location as part of their university employment or as part of university activities;
  - (2) The purchase of UAS with funding from Texas Tech University, including university accounts or grants;
  - (3) The operation by any person of UAS or model aircraft on or above Texas Tech University property;
  - (4) The hiring for or contracting for any UAS by any Texas Tech University department.

## **3. Purchasing Procedure**

- a. All TTU employees or departments purchasing a UAS (or parts to assemble) with university funds or funds disbursed through a university account, or grant funds must first obtain the approval of the Department of Environmental Health and Safety.
- b. After approval is received from the Department of Environmental Health and Safety, TTU employees wishing to operate a UAS as part of their university employment or as part of a university program must first have either a Certificate of Waiver or Authorization (COA) or a Remote Pilot Certificate from the FAA.
- c. A certificate of insurance must be provided to and approved by the Texas Tech Office of Risk Management.

## PROCEDURE

1. All members of TTU community are personally responsible for complying with FAA regulations, federal, state laws, and university policies.
2. For Texas Tech UAS operations outside TTU property the owner/operator is responsible to determine local requirements and ensure all rules and regulations are followed.
3. All Texas Tech employees, third parties, or students/hobbyists wishing to use a UAS or model aircraft on or over university property must receive approval of the Texas Tech Police Department (TTPD) Chief of Police. A UAS request form must be completed prior to being considered for approval (Attachment A). TTPD Chief of Police will process all requests on a case-by-case basis.
4. UAS operations above or in proximity of Texas Tech University (TTU) Jones Stadium on a game day are prohibited under FAA regulation (<https://www.faa.gov/uas/faqs/>) and TTU policy unless granted an exception by the TTPD Chief of Police and an FAA airspace waiver.
5. When operating a UAS for purposes of recording or transmitting visual images, operators must take all reasonable measures to avoid violations of areas considered private. All persons must be compliant with privacy provisions under state law, including but not limited to Chapter 423 of the Texas Government Code.
6. Use of a UAS must comply with any other applicable university policies. Use of UAS for video or electronic surveillance must be preapproved by the TTPD Chief of Police and must comply with the following prohibitions:
  - a. UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy. Such areas include restrooms, locker rooms, residential rooms, changing or dressing rooms, and health treatment rooms.
  - b. UAS shall not be used to monitor or record residential hallways, lounges, or inside of campus daycare facilities.
  - c. UAS shall not be used to monitor or record sensitive institutional or personal information such as individual workspaces, computers, or other electronic displays.
  - d. UAS shall not be operated in adverse weather conditions or outside of daylight hours or without visual meteorological conditions.
  - e. UAS will not be operated on campus during high traffic or parking use times.
  - f. UAS will be required to land and move to the new location if multiple areas are used.
7. **Sanctions**
  - a. Any violations of university policies or *Code of Student Conduct* by an individual will be administered in accordance with applicable university policies and procedures. Individuals who violate this policy may be subject to civil or criminal penalties and the seizure of UAS by campus police or security.

- b. Legal prohibitions regarding physical presence on campus/trespassing and other legal action may also be pursued against third parties that operate UAS in violation of this policy.
- c. Fines or damages incurred by individuals or units that do not comply with this policy will not be paid by TTU and will be the responsibility of those persons involved.

#### **8. Right to Change Policy**

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

Additional information can be found on the FAA website at [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/).

[Attachment A: TTPD Request form for UAS flight on TTU Property](#)