University Policy 12120

Drone Operations

Effective Date

September 2015

Last Revision Date

May 2017

Responsible Party

Chief Operating Office and Vice President for Campus Operations, (208) 426-1233
Vice President for Research and Economic Development, (208) 426-5732
Department of Public Safety, (208) 426-6911

Scope and Audience

This policy applies to all University Users and Visitors.

Additional Authority

• FAA Modernization and Reform Act of 2012, Public Law No. 112-95 (Feb. 14, 2012) (the “FAA MRA”)
• FAA MRA §333 (Special Rules for Certain Unmanned Aircraft Systems) (the “Section 333 Rule“)
• 14 C.F.R. Part 107 (Small Unmanned Aircraft Systems) (the “Part 107 Rule“)
• 14 C.F.R. §91.145 (Management of Aircraft Operations in the Vicinity of Aerial Demonstrations and Major Sporting Events)
• 49 U.S.C. §40125 (Qualifications for Public Aircraft Status)
• Export Control Laws and Regulations (e.g., 15 C.F.R. Parts 730-774 & 22 C.F.R. Parts 120-130)
• Idaho Code §21-213 (Restrictions on Use of Unmanned Aircraft Systems – Definition – Violation – Cause of Action and Damages)
University Policy 10030 (Commercial Filming and Photography)

- University Policy 12020 (Exclusion from Campus)

1. Policy Purpose

   To provide guidance concerning the appropriate operation of, and uses for, Drones by: (i) Boise State University’s (“University”) employees, students and volunteers (“University Users”); and (ii) the University’s commercial and non-commercial visitors (“Visitors”).

2. Policy Statement

   The University supports the use of Drones to enhance the administrative, research, instructional and service functions of the institution. The University must take into consideration privacy, security and safety issues when providing direction for the use of Drones.

   Drone regulation is emerging and multi-faceted. Drone operational safety is regulated by the Federal Aviation Administration (“FAA”) and is expected to evolve. Therefore, this policy will continue to be updated as appropriate.

3. Definitions

   3.1 Unmanned Aircraft

   Means an aircraft operated without the possibility of direct human intervention from within or on the aircraft. See FAA MRA §331(8); see also 14 C.F.R. §107.3.

   3.2 Unmanned Aircraft System

   Means an Unmanned Aircraft and associated elements (including communication links and components that control the Unmanned Aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace. See FAA MRA §331(9).

   3.3 Small Unmanned Aircraft

   Means an Unmanned Aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft. See FAA MRA §331(6); see also 14 C.F.R. §107.3.
3.4 Small Unmanned Aircraft System

Means a Small Unmanned Aircraft and its associated elements (including communication links and the components that control the Small Unmanned Aircraft) that are required for the safe and efficient operation of the Small Unmanned Aircraft in the national airspace system. See 14 C.F.R. §107.3.

3.5 Drone(s)


4. Responsibilities and Procedures

4.1 Drone Operations

a. When operating a Drone on-campus or off-campus, all University Users and Visitors must comply with the Part 107 Rule or the Section 333 Rule and all other applicable foreign (when outside of the United States), University, federal, state and local statutes, regulations, rules, ordinances and policies (all, collectively, the “Applicable Rules”). University employees operating Drones on behalf of the University are also required to obtain approval from the Office of Risk Management and Insurance prior to operating a Drone. University Users and Visitors are encouraged to review the FAA’s Frequently Asked Questions for more information about federal requirements related to Drone operations.

b. If the desired Drone usage will occur on/above University property (e.g., on-campus), University Users and Visitors must comply with both Section 4.1.a and Section 4.2, On-Campus Rules.

c. If the desired Drone usage will occur outside the United States, University Users and Visitors must comply with both Section 4.1.a and Section 4.4, Foreign Rules.

d. If the desired Drone usage involves research (whether funded or unfunded), University Users and Visitors must: (i) comply with Section 4.1.a; (ii) comply with Section 4.1.b or Section 4.1.c as applicable; and (iii) first submit a Drone Protocol Application to the Office of Research Compliance for review and approval.
4.2 On-Campus Rules

a. Because the University is located within five miles of the Boise Airport, to operate a Drone on/above University property, an operator must comply with Section 4.1, Drone Operations, and must first do all of the following:

(i.) Download and install the FAA’s “B4UFLY” smartphone app (the “FAA App”), and complete all required actions and comply with all guidance and warnings in the FAA App. The FAA App is available for free download from the App Store for iOS and Google Play for Android.

(ii.) Submit a UAS (Drone) Registration Form to the Department of Public Safety (“DPS”). As part of the registration, operators will need to provide documentation of authorization from the FAA when applicable.

(iii.) Before each flight: (i) submit a UAS (Drone) Flight Notification Form to DPS of the intent to operate a Drone at a specific time and place; and (ii) receive prior approval from DPS.

Failure to comply with the requirements outlined above is a violation of this policy and may result in disciplinary action and/or loss of privilege to possess a Drone on campus, as further described in Section 4.6, Violations, of this policy.

b. All operators must abide by all rules implemented by DPS. Such rules may include, but are not limited to, the following:

(i.) Do not operate in a reckless or careless manner or under the influence of alcohol/drugs.

(ii.) Do not operate a Drone weighing more than ten pounds, including any payload.

(iii.) Do not operate beyond line of sight. Use of a first person view (“FPV”) device is not considered line of sight.

(iv.) Do not exceed four hundred (400) feet of altitude.

(v.) Do not use metal blade propellers.

(vi.) Do not operate directly over people who are not under a covered structure or inside a vehicle.
(vii.) Do not operate beyond your established flight line or designated perimeter as provided in Section 4.2.a.(iii.) of this policy.

(viii.) Do not exceed 20 mph.

(ix.) Do not operate from a moving vehicle.

(x.) Do not operate between sunset and sunrise.

(xi.) Drones may be affixed with cameras if operators comply with University Policy 10030 (Commercial Filming and Photography) Cameras may not photograph, record or transmit images or footage of individuals in any instance or location where the individuals would otherwise have a reasonable expectation of privacy.

(xii.) Drones may be affixed with an external payload or be capable of dropping or releasing a payload with prior approval from DPS.

(xiii.) The operation of Drones is strictly prohibited on University football game days, and may be prohibited during other large sporting or special events.

### 4.3 Inside Buildings

a. Operating inside enclosed buildings owned or leased by the University including, without limitation, academic buildings, office buildings, residence halls, recreational buildings, parking garages and athletic facilities (collectively, “Enclosed University Buildings”), is not regulated by the FAA and is not governed by Section 4.2.a of this policy.

b. Flying inside Enclosed University Buildings is only allowed: (i) when used as part of a University-approved program, club, team or activity with written sponsorship by a University Department Head or above; (ii) with prior authorization and guidance from DPS; and (iii) when consistent with the University’s lease agreements where applicable.

### 4.4 Foreign Rules

To carry, ship and/or operate a Drone outside the borders of the United States, University Users must first: (i) comply with Section 4.1, Drone Operations; (ii) notify the Office of Institutional Compliance and Ethics (“OIC&E”); and (iii) comply with export control guidance from OIC&E.
4.5 Notification

a. When anyone observes a violation of this policy, such person shall promptly notify DPS.

b. Upon notification, DPS will either dispatch someone from that department or request law enforcement to respond to the area to notify the operator of campus policy and ensure the violative activity ceases. DPS will take whatever other enforcement actions are necessary to maintain safety and security.

4.6 Violation

a. Violations of this policy may result in disciplinary actions including, without limitation, the following:

   (i.) Student violations will be handled through the Student Code of Conduct;

   (ii.) Faculty and staff violations will be handled through Human Resources; and

   (iii.) Visitor violations will be handled consistent with University Policy 12020 (Exclusion from Campus) and any other applicable policies.

b. In addition, violations of Applicable Rules may result in criminal and civil liability.

5. Forms

UAS (Drone) Flight Notification Form
https://www.boisestate.edu/publicsafety-security/policies-and-forms/357-2/

UAS (Drone) Registration Form
https://www.boisestate.edu/publicsafety-security/policies-and-forms/352-2/

6. Frequently Asked Questions

FAA's Frequently Asked Questions
https://www.faa.gov/uas/resources/faqs/

7. Related Information

App Store
Department of Public Safety
https://www.boisestate.edu/publicsafety-security/

Google Play

Human Resources
https://hrs.boisestate.edu/

Office of Institutional Compliance and Ethics
https://compliance.boisestate.edu/

Office of Risk Management and Insurance
https://rmi.boisestate.edu/

Student Code of Conduct
https://www.boisestate.edu/deanofstudents/student-conduct/

**Revision History**

January 2016; May 2017