

CHAPTER THREE

ADMINISTRATION AND FINANCE

361.10 Cal Poly Unmanned Aircraft Systems (UAS) Policy

361.10.1 The purpose of this policy is to ensure that the University purchases, uses and operates all unmanned aircraft systems (UAS) in furtherance of its educational, research, and service missions, in compliance with applicable federal and state laws.

The Federal Aviation Administration (FAA) has jurisdiction over all navigable airspace in the United States, including all airspace proximate to the University. The FAA's primary mission is to ensure the safe and efficient oversight and management of the national airspace system (NAS). All aircraft, whether manned or unmanned, are subject to FAA rules and regulations, and violations carry severe federal penalties. Additionally, both the Department of State (under International Traffic in Arms Regulations or ITAR) and the Department of Commerce (under Export Administration Regulations or EAR) regulate export control over various forms of unmanned aircraft systems (UAS) technology.

This policy applies to all UAS purchases, uses and operations conducted on, around, or originating from University property, and/or on behalf of the University, including activities conducted off campus on behalf of or affiliated with Cal Poly.

361.10.2 Definitions

Aircraft means any object invented, used, intended to be used, or designed to navigate, or fly, in the air.

Airspace means the airspace of the United States subject to regulation by the regulations of the FAA. Generally, this is all airspace other than indoors.

Certificate of Waiver or Authorization (COA) is an authorization from the Federal Aviation Administration to conduct unmanned aircraft flight operation, subject to specified limitations.

Civil Operation means any aircraft operation, including UAS, falling outside the scope of a public aircraft operation. Civil operations include commercial and private aircraft operations, as well as operations by publicly-owned (including University-owned) aircraft where the purpose is outside the definition of a public aircraft operation. All civil aircraft operations must be conducted in accordance with all applicable FAA regulations.

Commercial Purpose means the transportation of persons or property or other use of UAS for compensation or hire.

Governmental function means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, biological or geological resource management. This list is not inclusive and other governmental functions may exist.

Unmanned Aircraft System (UAS) means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the navigable airspace of the United States under the regulatory authority of the Federal Aviation Administration (FAA).

University is defined as the California Polytechnic State University, San Luis Obispo, also known as “Cal Poly” and includes all auxiliaries, recognized student organizations, affiliated entities, volunteers, etc.

361.10.3 Policy

No UAS purchase, use and/or operation may be conducted by faculty, staff, students, auxiliaries or third parties (including, but not limited to, consultants, volunteers, contractors, vendors, or suppliers) on, or around University property, whether acting on behalf of the University or not, whether on or off Cal Poly property, without: 1) prior review and approval by the University’s UAS Committee; 2) approval by the FAA (such as a COA and/or other authorization or exemption applicable to UAS operation) if needed; and 3) review and approval by the University’s Flight Readiness Committee. UAS use and/or operation by faculty, staff, students, or third parties on University property, including but not limited to recreational or hobby flight of model aircraft, is prohibited, except as approved by the UAS Committee. Use and/or operation means no take-offs, landings, or operations of any kind from University property or on behalf of the University on non-University property.

The University, in carrying out its educational, research, and service missions, may make use of UAS, when such operations are conducted in compliance with applicable FAA regulations, state and federal laws and University policies. As a “governmental instrumentality for the dissemination of knowledge and learning,” some Cal Poly UAS operations qualify as Public Aircraft Operations (PAO). Other Cal Poly UAS operations may not qualify as PAO, and must be conducted as civil aircraft operations. It is the responsibility of the operator to determine

whether the specific operation qualifies as PAO or civil, and to comply with all relevant FAA regulations, and this policy.

A qualified PAO operation may require a certificate of waiver or authorization from the FAA that permits the University to fly UAS in furtherance of a governmental function. The University has committed to the FAA that it will not use any UAS operated under a COA for purposes that are not governmental functions.

Civil operations of Cal Poly UAS, including but not limited to commercial purposes, must be operated with authorization from the FAA, including but not limited to authorization through a Special Airworthiness Certificate, exceptions that may be granted under Section 333 of the FAA Modernization and Reform Act of 2012 (Section 333), or other applicable parts of 14 Code of Federal Regulations.

361.10.4 Unmanned Aircraft System (UAS) Committee

The UAS Committee is a committee established for the specific objective of overseeing UAS activity on campus or on behalf of the University. The Committee will report to Cal Poly's Senior Vice President of Administration and Finance. The UAS Committee shall review all COAs or other requests and applications made to the FAA. The UAS Committee is the principal body by which the University ensures that it is meeting its obligations under federal and state laws applicable to UAS use. Membership on the UAS Committee should include members from research administration, security, safety and emergency management, risk management, academic affairs, legal, and at least one faculty or administrative member with UAS research expertise. Deliberations and recommendations by the UAS Committee should consider and conform with all other applicable University policies and review procedures including, but not limited to, the Institutional Review Board (e.g., for human subjects protection, if applicable), the Office of Research and Economic Development (for export controls and trade sanctions), and the International Center (i.e., for overseeing activity abroad).

Flight Readiness Review (FRR) Subcommittee: The FRR Subcommittee is a subcommittee established by the UAS Committee. The FRR Subcommittee conducts a technical assessment of the aircraft and system configuration, and operational limitations for a planned UAS activity to ensure an acceptable level of risk. The FRR Subcommittee may be composed of Cal Poly personnel and/or outside technical experts.

361.10.5 Scope of Authority and Responsibility for Review, Approval, and Monitoring of Use of UAS

The UAS Committee will review any proposed use or operation of UAS by any members of the Cal Poly community including faculty, staff, students, auxiliaries or by third parties. The UAS Committee will consider the legal issues and risk related to the UAS use and will apply relevant law and regulatory guidance in determining whether a proposed use or operation should be approved.

The UAS Committee will determine whether a proposed use or operation can be approved as described, requires modification to be approved, or should be denied. The UAS Committee shall only approve those uses and operations that it reasonably believes can be conducted in compliance with FAA regulations: to be a Governmental Function and therefore eligible for a Public Operations COA; to be within those areas of activity covered by other authorizations or exemptions that may be granted by the FAA to the University for Civil Operations; or to be covered by an authorization by the FAA for Civil Operations held by a third party, subject to an agreement between the University and the third party with respect to such services.

The UAS Committee may deny a proposed UAS use or operation on the basis of factors including, but not limited to: the proposed use or operation is not in compliance with FAA regulation; the proposed use or operation presents an unacceptable risk; the proposed use or operation is unethical; the proposed use or operation may generate unfavorable public relations; the proposed use or operation is prohibited by law without written consent of the property owner, and such consent has not and/or cannot be obtained; or the proposed use or operation is otherwise not in the best interest of the educational mission of Cal Poly.

The UAS Committee, with the assistance of the FRR Subcommittee, shall provide ongoing review of any use or operation approved and covered by a COA or other form of authorization provided by the FAA. The UAS Committee may, with the assistance of the FRR Subcommittee, develop and implement: standard operating procedures for use and operation of UAS; procedures for submission of a proposal to the UAS Committee; procedures for appeal of any denial of a proposed UAS use by the UAS Committee; and internal rules and procedures for the operation and administration of the UAS Committee, as may be consistent with this policy.

Only those uses approved by the UAS Committee may be covered by: a COA application submitted by the University to and approved by the FAA; an application submitted by the University for authorization for civil operations; or a public operations COA or other authorization from the FAA for civil operations

held by a third party performing services on behalf of or collaborating with the University. Only the UAS Committee may submit an application for a public operations COA to the FAA and/or submit an application for authorization for civil operations to the FAA on behalf of the University, after consultation with University Counsel/Office of General Counsel.

The FRR Subcommittee may recommend suspension or termination of any use it deems inconsistent with the use or operation approved and/or the requirements of the applicable COA or other authorization granted by the FAA.

The UAS Committee may suspend or terminate any previous approval of UAS under this policy on the basis that actual use is inconsistent with the previous grant of approval and/or the requirements of an applicable FAA authorization.

361.10.6 Any University employee, student, or department purchasing a UAS (or the parts to assemble a UAS), or UAS services with university funds or funds being disbursed through the Cal Poly Corporation, Cal Poly Foundation, ASI or Grants Development, must contact Cal Poly's Risk Management office in order to assess the University's ability to obtain a Certificate of Authorization (COA) from the FAA, other necessary FAA exemptions, or meet local compliance requirements. Approval for purchase will be granted by the UAS Advisory Committee.

If approval is granted by the UAS Advisory Committee, the purchase must be submitted via a purchase requisition. Procurement Card (ProCard) or personal purchases (reimbursements) are not permitted.

References for CAP 361.10:

1. Date approved by the President: February 14, 2017
2. Effective Date: February 14, 2017
3. Responsible Department/Office: Strategic Business Services/Risk Management
4. Revision History: N/A-New
5. Related University Policies, Procedures, Manuals and/or Documents:
 - a. [Risk Management: Unmanned Aircraft Systems](#)
 - b. [Aerospace Engineering](#)
6. Laws, Regulations and/or Codes of practice referred to herein or related to this policy:
 - a. [Federal Aviation Administration](#)
 - b. [Unmanned Aircraft Systems \(UAS\) Registration](#)
 - c. [Certificates of Waiver or Authorization](#) (COA)
 - d. [FAA Part 107](#)
 - e. [FAA Section 333](#)

- f. [FAA Public Aircraft Operations](#)
- g. [FAA Advisory Circular 00-1.1A](#)