

**BOARD OF REGENTS
BRIEFING PAPER
Unmanned Aircraft Systems (UAS)**

BACKGROUND & POLICY CONTEXT OF ISSUE:

The use of Unmanned Aircraft Systems (UAS), also known as unmanned aerial vehicles or “drones,” is increasingly common, not just for personal use, but in a variety of commercial, non-governmental, and governmental fields, including higher education. Federal, state and local laws govern the use of UAS, but the Board of Regents has not yet adopted a policy governing this use of UAS by NSHE employees, students or third parties on NSHE property.

System staff recommends that the Board of Regents adopt a policy that will provide clear direction on the use of UAS within the NSHE community. The purpose of such a policy is to protect the health and safety of the students, employees and visitors on campus. It includes compliance requirements with federal (FAA), state law, and any other locally applicable laws or regulations regarding UAS. Board policy and procedures subsequently adopted by the institutions would further define the requirements for the use and operation of UAS on campuses by faculty, staff and students, including registration/approval of all UAS vehicles on campus; restrictions on UAS flight over sporting and other outdoor events; use for research; and third-party requests for flights over campus, as well as flexibility to address other operations of UAS as necessary.

Staff also recommends that the policy include a requirement for employees, staff and students to contact their institutional risk manager to confirm that insurance coverage will be obtained, if required, and in place prior to operation of any UAS. While state tort caps may apply and state tort funds may be available in most accident situations, not all circumstances will be covered, including use of UAS out-of-state. Further, it is common insurance underwriting practice to qualify a risk by looking at the formal campus safety program and policies in place. This question would be asked on the application for insurance. There may be conditions or exclusions in the policy that limit coverage if there are not formal safety programs and/or policies in place. In some cases, it may affect the pricing of the quote or restrict the markets that will insure the risk. Thus, it is important for Board policy to address the use of UAS for liability purposes and to allow risk managers to evaluate the need for coverage on a case-by-case basis.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend Title 4, Chapter 1 of the *Handbook* to add a new section governing the use of Unmanned Aircraft Systems (UAS) as outlined above. Include sanctions for violations of Board policy and specify that fines or damages incurred by individuals, institutional departments or units that do not comply with the policy will not be paid by NSHE and will be the responsibility of those persons involved.

IMPETUS (WHY NOW?):

As discussed in the background section, the use of UAS is increasingly common within higher education by employees and students in a variety of ways, including in the classroom and in research. A policy is needed to guide such use and to notify these individuals that they must contact the risk manager at their institution regarding the operation of UAS and ensure appropriate liability coverage is in place.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Adoption of a UAS policy at the Board level and by institutions will provide NSHE employees and students guidance on the steps that must be taken prior to use or operation of UAS. Such guidance will include notification that the use and operation must be in compliance with federal, state and local laws.
- If the Board does not adopt a policy governing UAS use and operation, risk managers may not be able to obtain the necessary insurance coverage for operation of UAS by NSHE employees and students.
- Such a policy will give institutions clear authority over third parties seeking to operate UAS on NSHE property (e.g. sporting events) and allow them to restrict such use as appropriate.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been presented.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

None.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #_____ Chapter #_____ Section #_____
 - Amends Current Board Policy: Title # 4 Chapter # 1 *new* Section # 34
 - Amends Current Procedures & Guidelines Manual: Chapter #_____ Section #_____
 - Other:_____
 - Fiscal Impact: Yes_____ No _____
- Explain:_____

POLICY PROPOSAL
TITLE 4, CHAPTER 1, NEW SECTION 34
Unmanned Aircraft Systems (UAS)

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 34. Unmanned Aircraft Systems

1. General Policy

The Board of Regents and the Nevada System of Higher Education (NSHE) are committed to the appropriate and safe use of unmanned aircraft systems (UAS) to further academic and research objectives.

2. Procedure

- a. NSHE institutions must operate UAS in full compliance with all applicable federal laws, including Federal Aviation Administration (FAA) rules and regulations, and all applicable local and state laws, including the provisions of Chapter 493 of Nevada Revised Statutes governing unmanned aircraft vehicles and NRS 396.970 which prohibits surreptitious electronic surveillance on NSHE campuses. Federal regulations supersede any conflicting Board or institutional policies or procedures. NSHE employees, staff or students using UAS as part of their employment or as part of an NSHE program must abide by the most current FAA and state regulations, including obtaining any necessary federal or state authorizations. If UAS operators are uncertain of the applicable regulations at the time of flight planning, Nevada Institute for Autonomous Systems (NIAS) or the FAA should be contacted. Permission for flight operations should also be acquired from property owners/land managers in advance of flight activities.*
- b. After obtaining all required flight permissions, and prior to beginning any operations, the employees, staff and students using UAS outdoors must contact the risk manager or other designated individual responsible for UAS for their institution and confirm that insurance coverage, if required, will be obtained and in place prior to operation, and at a minimum, will ensure liability coverage is provided through the limitations on State tort actions pursuant to Chapter 41 of Nevada Revised Statutes or a separate insurance policy.*
- c. All NSHE UAS operators must take all reasonable measures to protect the safety of those involved in the operation and the general public and to avoid violating the privacy rights of the general public.*
- d. Each institution shall establish policies and procedures governing the use of UAS that comply with federal and state law governing UAS flight and may include, but are not limited to:*
 - i. Requesting required permissions and receiving guidance regarding UAS on the campus, including the designation of an individual on campus to serve as a UAS representative or coordinator;*
 - ii. UAS use for educational, recreational, or hobby purposes on campus, including requiring membership in organizations that provide insurance coverage as part of membership;*
 - iii. Limitation and/or designation of specific campus areas and times for UAS use such as UAS “geo-fencing” (may include but is not limited to approved designated outdoor netted areas that are exempt from FAA requirements);*
 - iv. Prohibitions on use in and around student housing or other areas;*

- v. *Requiring central registration/approval of all UAS vehicles and notification of police/security when UAS use will occur;*
 - vi. *Restrictions on UAS flight over sporting or other outdoor events;*
 - vii. *UAS use for research on or off campus;*
 - viii. *Export control restrictions on UAS use;*
 - ix. *Third-party requests for flights over campus (e.g. media requests);*
 - x. *Use of third-party contractors for UAS operation;*
 - xi. *Training requirements for UAS operators;*
 - xii. *Discipline for violation of UAS policies and procedures; and*
 - xiii. *UAS use for other purposes on or off campus.*
- e. *Any third party, including institution contractors and vendors, wishing to use a UAS over NSHE property must first receive approval through the president of the institution with authority over the property. The president may delegate this responsibility to individual designees at the institution.*
- f. *Any faculty, staff or students operating UAS for educational, hobby, or recreational purposes on NSHE property must abide by the FAA safety guidelines for Model Aircraft Operations.*

3. *Sanctions*

- a. *Any violations of Board or institutional policy by an individual will be dealt with in accordance with applicable Board and institutional policies and procedures, which may include disciplinary actions up to and including termination of employment or enrollment.*
- b. *Legal prohibitions regarding physical presence on campus, including 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, institutional departments or units that do not comply with this policy will not be paid by NSHE and will be the responsibility of those persons involved.*