



# MERCERSBURG ACADEMY

## Unmanned Aircraft System (UAS) or Drone Policy

### **In Brief**

No one is allowed to operate a drone or any other unmanned aircraft system (UAS) on or above the Mercersburg Academy campus or any other Academy property without prior written approval.

In the event that the use of UAS appears to be advantageous to the goals and mission of the school, the Academy has an application and approval process for doing so, which includes meeting specific Federal Aviation Administration (FAA) licensing criteria and signing a binding agreement with the Academy through the school's Office of Strategic Marketing and Communications, this is the only department that can issue permission to operate UAS on or over Academy property. Operation of UAS is not permissible without written permission from the Office of Strategic Marketing and Communications.

You may contact that office at [communications@mercersburg.edu](mailto:communications@mercersburg.edu).

### **Policy Statement**

The operation of unmanned aircraft systems, including (but not limited to) drones and model aircraft, is regulated by the Federal Aviation Administration (FAA) and relevant state law. Mercersburg Academy is establishing procedures that ensure compliance with those legal obligations in order to reduce risks to safety, security, potential liability, and privacy.

Lack of knowledge or awareness about any FAA and Academy regulations regarding the proper operation of UAS, drones, or model aircraft does not absolve the user/operator from compliance, nor does it shield the user/operator from any damages the user/operator may incur as a result of using UAS on or over Academy property.

Mercersburg Academy does not allow the use of drones (UAS) or any other kind of model aircraft – tethered or non-tethered – on or over its campus or property without prior written approval from the school's Office of Strategic Marketing and Communications. An application is required for each proposed use of UAS. The Academy does not issue blanket approvals for UAS/drone operation.

### **Application Procedure**

1. Any person, company, or party (including any Academy student, faculty, staff member, current or former parent, alumnus/alumna, former faculty, or any person employed by or participating in Mercersburg Summer Programs) that wishes to operate unmanned aircraft systems (UAS) as part of his/her Academy employment, or as part of an official, faculty-supervised Academy program, or as a hobbyist must complete the following steps:
  - a. Obtain a 333 Exemption or Certificate of Waiver or Authorization (COA) issued by the FAA. Possession

of these documents does not constitute permission to operate UAS at Mercersburg Academy.

- b. Complete a Mercersburg Academy UAS application form and deliver that application to the Office of Strategic Marketing and Communications no later than two weeks prior to the date that the operator proposes to use the UAS.
- c. The application includes:
  - i. Completing the official application form.
  - ii. Providing scans of relevant FAA documents.
  - iii. Providing scans of documentation that the operator has valid, relevant liability insurance for the operation of UAS, which carries a monetary valuation of no less than \$1 million.
  - iv. Signing a binding agreement that the proposed UAS operator will hold Mercersburg Academy completely harmless regarding any incidents during the operation of UAS that may result in damage to individuals, their personal property, and Academy property of any kind.
2. The agreement also stipulates that any operator of UAS must comply with any other applicable Academy policies and must comply without protest or resistance to the directives of the Academy's Office of Campus Safety while on Mercersburg Academy property.
3. Incidents involving UAS that are caused in whole or in part by sudden changes in atmospheric conditions (such as, but not limited to, wind gusts), or natural phenomena (such as, but not limited to, birds intersecting with the UAS), or casual/unanticipated human interaction (such as, but not limited to, the person operating UAS intersects with one or more individuals) will not reduce or nullify the operator's full liability in the case of UAS malfunction that results in damage to a person or property.
4. The Office of Strategic Marketing and Communications will review applications on a case-by-case basis and may consult with the Head of School, the Associate Head of School for School Life, and/or the Associate Head of School for Finance and Operations before issuing approval. The Office of Strategic Marketing and Communications will not issue any blanket approvals for UAS usage.
5. Only the Office of Strategic Marketing and Communications can issue permits to operate UAS on campus or on/over any other Academy property. The Office of Strategic Marketing and Communications will inform all applicants in writing by mail or email if their applications have been approved or not.

#### **Appropriate and Prohibited Uses**

1. When operating UAS for purposes of recording or transmitting visual images, operators must take all reasonable measures to avoid violations of areas normally considered private. Traditional state laws of tort and privacy apply to UAS/drone use, but so will all forthcoming FAA regulations on the commercial use of drones, also known as UAVs.
  2. Recording video imagery through UAS of the activities of any department at the Academy must be cleared first by the head of the department whose activities will be recorded.
  3. Any video captured and recorded by a camera attached to UAS/drone over Mercersburg Academy campus or other Academy property cannot be published in any medium (including, but not limited to, YouTube, Vimeo, Facebook, Twitter, other forms of social/internet-based media, email, stand-alone websites, television, or printed collateral) without the express prior written permission of the Academy's Office of Strategic Marketing and Communications. Failure to comply may result in legal action by the Academy against the UAS operator.
- UAS must be kept within visual sightline of the operator at all times.

- Operator(s) of UAS must program the unit to return to its base safely and must take any other reasonable precautions (technological or otherwise) to prevent the UAS from crashing.
- UAS must be flown a sufficient distance away from populated areas or gatherings.
- Only one UAS can be operated on or over Academy property at any given time.
- UAS can never be used in what is confirmed or perceived to be a reckless or daredevil manner, or in any other way that has the potential to be harmful to persons or property.
- UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms. These areas include but are not limited to restrooms, locker rooms, individual residential rooms, changing or dressing rooms, and health treatment rooms.
- UAS shall not be used to monitor or record residential hallways, residential lounges, or the insides of campus daycare facilities.
- UAS shall not be used to monitor or record sensitive institutional or personal information, which may be found, for example, on an individual's workspaces, on computers, or on other electronic displays.

### **Sanctions**

- Failure to comply with the directives of Mercersburg's Office of Campus Safety while on campus, in general, and during the operation of UAS, in particular, will result in immediate expulsion from campus.
- Any violations of Academy policies regarding the use of UAS by an individual will be dealt with in accordance with applicable Academy policies and procedures, which may include disciplinary actions up to and including immediate removal from campus and termination from Academy employment (if applicable).
- 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.
  - **PA Title 18, Section 3505: Unlawful use of unmanned aircraft.**
    - (a) Offense defined.** A person commits the offense of unlawful use of unmanned aircraft if the person uses an unmanned aircraft intentionally or knowingly to:
      1. Conduct surveillance of another person in a private place.
      2. Operate in a manner which places another person in reasonable fear of bodily injury.
      3. Deliver, provide, transmit or furnish contraband in violation of section 5123 (relating to contraband) or 61 Pa.C.S. 5902 (relating to contraband prohibited).
    - (b) Grading.** The offense of unlawful use of unmanned aircraft shall be graded as follows:
      1. An offense under subsection (a)(1) or (2) is a summary offense punishable by a fine of up to \$300.
      2. An offense under subsection (a)(3) is a felony of the second degree.
- Fines or damages incurred by individuals or units that do not comply with this policy will not be paid by Mercersburg Academy and will be the total responsibility of those persons involved.

### **Definitions**

- Mercersburg Academy Property – buildings, grounds, land, vehicles, outdoor education equipment (e.g. kayaks, bikes, rafts, canoes tents) owned by Mercersburg Academy or controlled by Mercersburg Academy via leases or other formal contractual arrangements to house or conduct ongoing Academy operations, both on and off campus.
- COA - Certificate of Authorization or Waiver. According to the FAA, the COA is an authorization issued by the Air Traffic Organization to a public operator for a specific UAS activity. After a complete application is submitted, the FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the operator can operate safely with other airspace users. In most cases, the FAA will provide a formal response within 60 days from the time a completed application is submitted.
- 333 Exemption – FAA 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.
- Unmanned Aircraft Systems (UAS) - UAS are also known as or may be characterized as drones. According to the FAA, a UAS is the unmanned aircraft, and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft. UAS may have a variety of names, including quadcopter, quadrotor, etc. FAA regulation applies to UAS regardless of size or weight. Model aircraft are not considered by the FAA as UAS and have different regulations.
- Model Aircraft - Model aircraft are considered differently by the FAA than other UAS and have different regulations. Model aircraft are not intended for business purposes, only for hobby and recreation. Any use of any kind of UAS related to Mercersburg Academy will not qualify under model aircraft regulations.