

# Proposed Drone Policy for Thomas Nelson

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This document is a compilation of several Drone policy documents I researched along with legal information about drone laws in Virginia and insurance. As a faculty member, my focus in constructing this policy is on the use of drones as part of instruction and outreach. However, where appropriate I have included information that may help with other areas to consider.

For example, for faculty we must consider:

- On and off campus policies for flight (and maybe even international)
- Inside and outside flights
- Privacy considerations
- State laws applicable to drone flight
- Liability and Insurance coverage
- UAS flight as part of a course or as the intended topic of a course. (two different rules apply)

But other considerations also apply:

- Recreational users (students, community members) flying for fun on campus
- Indoor recreational flights
- Contractors or others using drones to do their work on campus (insurance considerations apply here)
- Staff use of drones other than instructional

## Sources:

James Madison University, <https://www.jmu.edu/4-va/uav-policies.shtml>

University of Wisconsin-Madison, <https://research.wisc.edu/uw-madison-drone-use-policy/>

Indiana University, [https://inlocc.webhost.iu.edu/policies/Drones\\_NotIU.cfm?](https://inlocc.webhost.iu.edu/policies/Drones_NotIU.cfm?)

Virginia Drone Laws: <http://cqrcengage.com/auvsi/statelegmap?abc=virginia>

Creating a Drone Policy, Safe Use of drones on campus: <https://www.edurisksolutions.org/blogs/?id=2609>

Michigan State University: <http://police.msu.edu/news/drone-operation/>

Drone Law for Drone Training Educators, K-12 Schools, & Universities. (Updated for 2017):  
<https://jrupprechtlaw.com/drone-law-educators-k-12-schools-universities>

Drafting Policies for a Campus Drone: <https://www.universitybusiness.com/article/drafting-policies-campus-drone>

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## 1. PURPOSE

This policy sets forth the college's rules and regulations concerning use of Unmanned Aircraft Systems (UAS), sometimes known as drones, on or above the college campus properties. It also addresses use of drones as part of college activities conducted off campus.

## 2. AUTHORITY

### STATE OR FEDERAL STATUTE AND/OR REGULATIONS

The operation of UAS in the National Airspace System (NAS), including drones and model aircraft, is regulated by the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, 49 USC 47101, et seq. (FMRA), and the use of UAS by public bodies in the Commonwealth of Virginia by Code of Virginia §19.2-60.1. The use of a UAS also applies to Code of Virginia §18.2-386.1 concerning illegal capture of images of another person. For up-to-date laws in Virginia see: <http://www.ncsl.org/research/transportation/current-unmanned-aircraft-state-law-landscape.aspx> and <http://cqrcengage.com/auvsi/statelegmap?abc=virginia>

## 3. DEFINITIONS

**Air Traffic Organization (ATO)** The ATO is the operational arm of the FAA. It is responsible for providing safe and efficient air navigation services over all of the United States and portions of the Atlantic and Pacific Oceans and the Gulf of Mexico.

**Coordinator of UAS Efforts** The official appointed by the President and assigned the official responsibility under this policy to chair the UASOC.

**Drone** The popular name for a type of UAS.

**FAR Part 107** Part 107 of the Federal Aviation Regulations. New rules for non-hobbyist small unmanned aircraft (UAS) operations that cover a broad spectrum of commercial uses for drones weighing less than 55 pounds.

**Federal Aviation Administration (FAA)** The national aviation authority of the United States, with powers to regulate all aspects of American civil aviation, including the use of UAS.

**Federal Modernization and Reform Act of 2012 (FMRA)** Federal statute (49 USC 47101, et seq.) regulating the use of aircraft, including UAS, in the NAS.

**Model Aircraft** A UAS used not for business purposes, but for hobby and recreation purposes. Model aircraft are operated under different FAA regulations (Part 101) than other types of UAS.

**National Airspace System (NAS)** The airspace, navigation facilities and airports of the United States along with their associated information, services, rules, regulations, policies, procedures, personnel and equipment.

**Private Spaces** Areas where an occupant has a reasonable expectation of privacy in accordance with accepted social norms. These areas include but are not limited to restrooms, locker rooms, residential areas, changing or dressing rooms, lactation rooms, the insides of campus recreational facilities and health treatment rooms.

**UAS Oversight Committee (UASOC)** The college committee charged with reviewing and approving all requests for UAS flights or activities on or over college property and in college activities conducted off campus.

**College Property** Buildings, grounds and land that are owned or controlled by the college. This includes property leased, rented or otherwise contractually reserved for Thomas Nelson operations, either permanently or on a temporary basis.

**Unmanned Aircraft Systems (UAS)** UAS refers to small, unmanned aircraft systems, sometimes known as “drones,” normally under 55 lbs. 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 are covered under different regulations, but for the purposes of this policy, they are covered by the college’s rules.

#### 4. APPLICABILITY

This Policy applies to the operation of UAS by faculty, staff and students in connection with instructional, research, outreach and other institutional uses, as well as all uses of UAS by any person or organization on or in any lands or facilities owned by, leased by, or otherwise under the control of Thomas Nelson Community College. This Policy applies to UAS operations in both indoor and exterior spaces and to UAS operations in connection with Thomas Nelson activities whether occurring within the United States or internationally<sup>1</sup>. This Policy does not apply to UAS operations by the Thomas Nelson Police Department or other first responder operations conducted in accordance with applicable law.

*(Optional-something to consider)* This policy also applies to the purchase of UASs with funding through the university, including university accounts, grants or other foundation accounts, and the hiring for or contracting for any unmanned aircraft services by any unit or individual university community member using any university funds, regardless of source.

#### 5. UAS Oversight Committee (UASOC)

The UAS Oversight Committee reviews proposed UAS operations for consistency with applicable law, regulations, and policy; to provide recommendations to *(whom?)* regarding the approval or rejection of specific proposals for UAS operations; to provide policy recommendations to *(whom?)* relating to such things as minimum UAS operator requirements, privacy, safety, incident reporting, maintenance, record-keeping and data management; and such other duties as may be requested. The Committee will be appointed by the *(who?)* in consultation with the *(who?)*.

*(Is this what we want?)*The UASOC committee will include representatives from the following: Division of Academic Affairs, Campus Police/Department of Public Safety, Risk Management, and Facilities Management, as well as an Academic Department Head. The committee is chaired by the Coordinator of UAV Efforts. A representative of University Legal Services serves ex officio on the committee.

##### a. Responsibilities

- Review and approve all requests for UAS on and off college property.

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<sup>1</sup> Included in case we have drone operations in Study Abroad experiences. Can omit this international verbiage.

- Make recommendations regarding UAS policy exceptions and changes to the College Policy Committee concerning this policy.
- Review any complaints regarding the use of UAS and determine whether applicable policy, laws or regulations have been followed.
- Recommend suspension or termination of any UAS use it deems inconsistent with the approved use and/or requirements of FAR Part 107 and College Public Safety Policy or other forms of authorization.
- Maintain records of up-to-date federal, state and local regulations, as well as a current list of all qualified operators.

## 6. UAS PILOTS

- Qualifications.** All UAS operated on Thomas Nelson premises or in connection with college-related activities must be operated by an individual who has the requisite certifications and experience necessary to conduct the UAS operation lawfully and safely. In most cases, such operations must be conducted by an individual who maintains a valid remote pilot certificate issued by the FAA (the “Remote Pilot in Command”, or “RPIC”), unless an exception is granted by the UASOC in circumstances permitted by applicable law. The UASOC may require a minimum level of flight experience for UAS pilots, including those holding a RPIC certification, as a prerequisite to approving an application for UAS operation if deemed necessary to ensure the UAS operation can be safely conducted.
- Safe operations.** The RPIC associated with an approved application is responsible for ensuring the UAS operation is conducted safely and in accordance with all applicable legal requirements. While administrative or law enforcement personnel may overrule the RPIC’s determination that a UAS operation can be safely or lawfully conducted, the RPIC’s determination that an approved UAS operation cannot be conducted safely or lawfully may not be overridden by any other person or body. Similarly, in cases where the UASOC approves an application for UAS operations in which the operation will be conducted by someone other than a person holding a valid RPIC certification, the applicant fulfills the role of RPIC and is responsible for ensuring the operation is conducted safely and in accordance with all applicable legal requirements. While administrative or law enforcement personnel may overrule the applicant’s determination that a UAS operation can be safely or lawfully conducted, the applicant’s determination that an approved UAS operation cannot be conducted safely or lawfully may not be overridden by any other person or body.
- Land-owner permissions.** Prior to each flight, all UAS operators must ensure that they obtain written permission from the owner of any property that will be occupied or overflowed during the flight if on non-college owned land. Thomas Nelson personnel should use the form provided in Appendix B to obtain property owner permission for UAS operations occurring on private property.
- Accident/incident reporting.** All UAS operators are expected to adhere to the operating plan of the approved **application** as well as any limitations imposed by the Committee. Thomas Nelson-affiliated UAS operators must report to the FAA any UAS accident involving serious injury to persons or any loss of consciousness, or property damage of \$500 or more (not including the value of the UAS), no later than ten (10) days after the accident at the following website: [https://www.faa.gov/uas/report\\_accident/](https://www.faa.gov/uas/report_accident/). Thomas Nelson-affiliated UAS operators must also report to the UASOC all accidents involving any injury to persons, any damage to property (other than the UAS), any incidents in which UAS operations could reasonably raise privacy concerns, and any incidents involving loss of command and/or control of a UAS that resulted in a deviation from the approved operating plan. Reportable events will be submitted by UAS operators to the Committee using a template report form

(see Appendix C). In order to encourage reporting and promote a culture of safety, this additional reporting requirement is intended to be non-punitive.

## 7. AIRCRAFT

- a. **FAA requirements.** All UAS operated on Thomas Nelson premises or in connection with Thomas Nelson activities must be airworthy and otherwise comply with applicable regulatory requirements. For UAS operations within the United States, UAS that weigh 55 pounds or less—total weight including all payload— are eligible to be operated under the Federal Aviation Regulation Part 107: *Operation and Certification of Small Unmanned Aircraft Systems* (FAR Part 107). ***(we could just limit aircraft size to 55 lbs and eliminate the following verbiage)*** Applicants seeking to operate aircraft outside of this weight limit will be required to obtain specific authorization from the FAA through either the section 333 exemption process or by obtaining a Certificate of Authorization for Public Aircraft Operations. Both of these options entail a lengthy and costly application process. Therefore, it is strongly recommended that operators select aircraft less than 55 pounds for operation under FAR Part 107.
- b. **Airworthiness.** Under FAR Part 107, it is the RPIC's responsibility to determine the airworthiness for UAS that weigh less than 55 pounds. However, the UASOC reserves the right to deny applicants seeking to operate UAS in connection with college-related activities if the Committee deems the UAS not airworthy. The Committee may also request a demonstration flight and/or full airworthiness review prior to approving any application for UAS operations to be conducted for college-related activities.

## 8. UAS REGISTRATION AND INSURANCE

- a. **FAA registration.** All UAS owned by the college, operated on college premises or in connection with college activities must be registered with the FAA. UAS owned by the college, whether purchased by, constructed by or donated to the college, shall be registered under ***“(ours are currently registered under the faculty...should change this)”*** as a “Non-Model Aircraft” at the following website <https://registermyuas.faa.gov/>. Thomas Nelson departments that purchase or otherwise own UAS shall maintain a copy of the registration certificate with the UAS at all times and ensure the registration number is written on the aircraft. Applicants will include the registration number in the application for UAS operations.
- b. **Insurance for operations by Thomas Nelson personnel.** All UAS operated in connection with Thomas Nelson-related activities must be insured for liability and property damage coverage. College owned UAS will be covered by the State of Virginia's Property and Liability Program ***(is there such an entity, is this accurate? What other information should appear here?)***.

## 9. DATA MANAGEMENT

Application forms, landowner/land manager permission forms, flight log data collected by UAS for each flight conducted on Thomas Nelson premises or for college-related activities (including but not limited to records of the UAS' latitude, longitude, altitude and other flight parameters and telemetry data), and images and data collected during flights for research, educational, or other purposes must be stored securely and maintained according to

standard college records retention schedules and be made available for inspection by the UASOC or external regulators upon request if deemed relevant to investigate an accident, incident, or complaint.

## 10. POLICY

- a. **General Principles:** Operation of any UAS on or above any college property or at any college-sponsored event is prohibited unless first approved by the UASOC. Operation of any UAS on or above any college property without prior permission is trespassing, and may result in sanctions.
1. All UAS operations on Thomas Nelson premises or in connection with Thomas Nelson activities must be conducted in compliance with this Policy, related procedures, and all applicable state, federal and local laws and regulations.
  2. Any college employee wishing to operate UAS as part of college employment or a college course/program must be certificated as required under FAR PART 107.<sup>2</sup>
  3. All outdoor UAS operations must be approved by UASOC. UAS must be properly registered and marked per FAA UAS guidelines and flown within the specified parameters of the registry act (e.g., under 400ft above ground level, away from stadiums, people, etc.) in order to receive approval from UASOC for use on college property.
  4. No prior approval by UASOC is required for use of a UAS indoors by college community members, except at college events such as Open House. UAS flown indoors do not fall within the authority of the FAA. However, UAS flown indoors shall comply with college policy guidelines for safety.<sup>3</sup>
  5. **(Need to consider what to do about recreational flights)** UAS operations by students, employees or visitors for recreational or hobbyist purposes are not permitted on Thomas Nelson premises under this Policy. UAS operations by registered student organizations and/or by students in connection with Thomas Nelson coursework, are eligible to be considered for approval under this Policy as instructional uses. UAS operations by third parties for marketing/promotional purposes are not permitted under this policy and should be directed to the Office of Public Relations.<sup>4</sup>
- b. **Use of UAS in Course Work.** Faculty teaching courses may assist students who are operating a UAS, provided the student maintains operational control of the UAS such that the faculty member's manipulation of the UAS is incidental to the student's control (e.g., the faculty member steps in to regain control in the event the student begins to lose control, to terminate the flight, etc.). Faculty members may need proper FAA certification depending on the intended use of UAS. UASOC will help guide faculty members in meeting any certification requirement. **(Note: this contradicts 10.b. above, a stricter rule)**
- All faculty teaching courses where a UAS may be used must request permission for flights through the UASOC. Faculty are responsible for briefing students on the appropriate and safe practices for UAS use prior to flight.
- c. **Recording of Private Spaces** UAS shall not be used to monitor or record any use or surveillance of private spaces. UAS shall not be used to monitor or record indoor private spaces such as restrooms, or health screening rooms or records sensitive institutional or personal information that may be found on an individual's workspaces, on computer or other electronic displays, or in private or business meetings or conversations.

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<sup>2</sup> This is a very strict rule that covers all bases. Technically a faculty member need not operate under Part 107 if the flight is necessary to implement part of a class activity and not specifically meant to teach a student to fly. GIS vs. UMS for example.

<sup>3</sup> Some colleges do not allow indoor flying either, except if approved by UASOC.

<sup>4</sup> Most policies I read did not allow recreational use at all by anyone on campus.

In operating a UAS for purposes of recording or transmitting visual images, operators must take all reasonable measures to avoid violations of private spaces. Virginia state law provides that a person who knowingly or intentionally places a camera or electronic surveillance equipment that records images or data in violation of an expectation of privacy commits a Class A misdemeanor.

All members of the Thomas Nelson community are responsible for complying with FAA regulations, state and federal laws, and college policies. Inherent risks in the operation of such equipment may require additional insurance provisions and/or policy considerations not addressed in this policy.

## 11. PROCEDURES

- a. **Application.** Thomas Nelson faculty, staff, students or organizations seeking to operate UAS for college-related education or at a college-sponsored event must submit a completed UAS Request Form (Appendix A) to the UASOC at least two(2) weeks in advance of the first proposed flight or operation.
- b. **FAA waivers.** If applicant's planned operation will require a waiver of FAA rules, it is recommended that the applicant apply for the waiver at least ninety (90) days in advance of the first proposed flight date. Applications for waivers are submitted through the following FAA website: [https://www.faa.gov/uas/request\\_waiver/](https://www.faa.gov/uas/request_waiver/). If applicable, please include a copy of the FAA waiver application (or approved waiver) with the application form (Appendix A). If FAA approval is needed, no permission from the college will be granted unless and until the FAA's formal response granting a waiver is received.
- c. **Approval.** The Committee will recommend approval of the application provided it adequately describes the proposed activity and reasonably assures that the proposed activity meets the requirements of this Policy and related procedures, as well as the applicable laws and regulations. Applications for operations requiring an FAA waiver will be conditionally approved if the waiver is still pending, with final approval granted upon receipt of the FAA waiver.

## 12. EXCEPTIONS

- a. **(Omit??) Emergency Use by Law Enforcement.** The operation of UAS by the College Police Department are exempt from this policy based on the determination of emergency needs, provided the department has had sufficient training on the specific model UAS to be employed and adheres to FAA certification guidelines. In accordance with Section 19.2-60.1 of the Code of Virginia, no state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations shall utilize UASs except during the execution of a search warrant. However, an UAS may be deployed without a warrant when an Amber Alert, Senior Alert or Blue Alert is activated; where use of UAS is determined to be necessary to alleviate an immediate danger to any person; for training exercises related to such uses; or if a person with legal authority consents to the warrantless search.
- b. **Non-University Property** This policy does not apply to the use of UAS on or over property not owned or controlled by the university. However, all university community members seeking to use a UAS owned or licensed to the university on or above other property must receive approval for such use in advance from the UASOC.

## 13. SANCTIONS

The FAA has the right and responsibility to enforce FAA policies. Violators of FAA policy may face criminal or civil penalties. Fines or penalties incurred by individuals or departments that do not comply with this policy will not be paid by Thomas Nelson Community College and will be the responsibility of those persons involved.

Violations of college policy by employees or students will be addressed in accordance with appropriate college policies and procedures, which may include disciplinary action up to and including, but not limited to, termination from employment, dismissal from the university and/or legal action.

Trespassing by third parties, including trespassing via Model Aircraft or UAS, will be addressed according to university policies and may result in no trespass orders and/or legal action.

Any individual or organization found to be operating a UAS on college property or at a college sponsored event in violation of their FAA approved status, or any federal, state and local laws or regulations, or in violation of applicable college policies may be directed by authorized college representatives to immediately cease UAS operation unless or until approval is obtained.

Illegal use of UAS may subject the user to criminal prosecution, and the UAS may be subject to seizure by law enforcement authorities.

Under FAA guidelines, Temporary Flight Restrictions (TFR) may be implemented on college property or at a college sponsored event, which prohibit any type of UAS operations from taking place (e.g., university sporting events). As needed, the college may issue additional No Drone Zones (also called DROTAMs) on college property or any college sponsored event, which prohibit any type of UAS operations from taking place at all times.

The approval of a UAS operation on campus does not alleviate the operator from any and all costs associated with the retrieval of UAS from college structures, restricted areas, or treetops. Retrieval costs of UAS vary by location, manpower, and equipment needed. Retrieval can be coordinated by Plant Services.

#### **14. INTERPRETATION**

The authority to interpret this policy rests with the President and is generally delegated to (whom?). The (who?) is responsible for the oversight of this policy.

## Appendix A: Application

Please note that the questions below are asked solely for the purpose of determining the safety and legality of the flight.

1. Applicant Name
2. Applicant affiliation (faculty, staff, student)
3. Applicant's department affiliation (i.e., Department, Center, student organization etc.)
4. Mailing Address, Phone, E-mail address
5. Remote Pilot in Command Name and Affiliation (if RPIC is other than Applicant)
6. Copy of Remote Pilot Certificate or Pilot Certificate
7. Summarize UAS flight experience of RPIC
8. UAS Make and Model and FAA Registration Number
9. Area(s) of Operation: Address + Radius (mi) or Latitude/Longitude Coordinate + Radius (mi) or encompassing Latitude/Longitude points (rectangular plot)
10. Dates and Times of Intended Flights. If for a course, list all dates/times for the entire semester.
11. Have you had a previous request approved? If yes, date of previous approval
12. What is the purpose of the flight(s)? For example, will the UAS be used for research, teaching, student activities or other purposes? Please describe.
13. Is a waiver from any of the Part 107 regulations required for the planned operation? If so, why, and has the waiver been obtained?
14. Will the UAS be used to collect data? If so, what kind of data, and where will it be maintained?
15. Will the UAS be used to transport a payload? If so, what is the payload, and why is it being transported?
16. Please list the number of people and each operational role for each person who will be involved with each flight. Please include pilots, camera/sensor operators, people being filmed and support crew. Depending on your intended use and activities associated with the use of a UAS, there may be other approvals required. For example, any activities that involve videography or photography may need permissions/photo waivers from the Office of Public Relations.
17. Will there be any non-participants in the operational area? If so, please explain.
18. Will the flights occur over or near any persons, animals or buildings?
19. Please describe the safety plan to prevent injuries to persons, animals or property.
20. Please describe the plan to mitigate any potential privacy concerns of nonparticipants.
21. Please describe your plan to obtain written property-owner permissions from anyone whose property will be occupied or overflown during the flight.
22. Please describe the data-management plan for flight log data. Who will manage it, and where will it be maintained?
23. Please describe your accident and incident reporting procedures.

*By signing above, the individual/entity submitting this request agrees to and will abide by all college policies governing the use of Unmanned Aircraft Systems. A copy of the approved UAS Request Form must be in possession of the operator at all times during the activity, and must be presented to any college official or representative with control or jurisdiction over the activity, upon request. The college reserves the right to request additional documentation as a condition of approval and operation. In addition, any operator violating any portion of the UAS Policy will be held accountable for their actions.*

## Appendix B: Property Owner Permissions Form

[Name of Property Owner] [Address of Property]

Dear [Property Owner],

This is a request for permission for Thomas Nelson Community College (TNCC) to use Unmanned Aircraft Systems (UAS) over your property for the purpose of [provide brief description of purpose of flight] on [dates and times of anticipated flights]. In connection with flying the UAS, the person operating the UAS and other individuals participating in the UAS flight request permission to enter your property to facilitate the safe operation of the UAS, subject to any limits or conditions you feel are appropriate.

The UAS operator may want to use the UAS to take images or collect data for research or educational purposes. Your signature at the bottom of this form grants the participating individuals access to your property and encompassing airspace for those purposes. Thomas Nelson commits that this operation will be conducted in full compliance with federal, state and local laws and regulations, and the college is insured against damages to persons or property arising from the flight in the unlikely event they occur.

Thank you for your consideration.

[Name and TNCC affiliation of person submitting request] \_\_\_\_\_

[TNCC E-mail and phone number] \_\_\_\_\_

### Authorization to Conduct UAS Operations

By signing my name below, I hereby authorize Thomas Nelson Community College and its faculty, staff, students and affiliates to conduct UAS flights over my property for the purpose and at the dates and times indicated above, and grant TNCC all necessary rights to use the information collected during the flight for non-commercial research, education and/or outreach purposes.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Special conditions for use of property (if any): \_\_\_\_\_

## Appendix C: UAS Accident/Incident Report

1. Pilot Name & Contact Information (street address, city, state, zip, e-mail & phone)  
\_\_\_\_\_  
\_\_\_\_\_
2. Pilot Affiliation \_\_\_\_\_
3. Copy of approved TNCC UAS Operator Application Form .
4. Was a report to FAA required for this incident? If so, provide the date of report submittal to FAA.
5. Location of Accident/Incident: Address, Landmark or Latitude/Longitude  
\_\_\_\_\_
6. Date and Time of Accident/Incident \_\_\_\_\_
7. Accident Scene Photos/Diagram (attach document or images if applicable)
8. What was the purpose of the flight? \_\_\_\_\_
9. Please explain what happened. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Please provide names of others involved as well as witnesses.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Please describe safety precautions that were taken prior to the flight.  
\_\_\_\_\_  
\_\_\_\_\_
11. Please describe any privacy concerns and measures that were taken to mitigate privacy issues (if applicable).  
\_\_\_\_\_  
\_\_\_\_\_
12. Please be prepared to provide the flight records and any additional imagery data that were collected for this flight if requested by the UAS Ethics and Safety Committee.