ACADEMIC SENATE
BERKELEY
320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

April 21, 2017

JAMES CHALFANT
Chair, Academic Council

Subject: Draft presidential on unmanned aircraft system policy

Dear Jim,

On April 10, 2017, the Divisional Council (DIVCO) considered the proposed policy cited in the subject line, informed by the commentary of our divisional Committee on Research (COR), which is appended in its entirety.

In addition to the specific concerns described by COR, which highlights the proposal's lack of clarity, DIVCO noted that unmanned aircraft systems (UAS) are already subject to federal and state regulation. We believe that UC policy should reference these directly, noting that the use of unmanned aircraft systems on university property is subject to these existing regulations, and then add limited, clearly defined UC provisions, as needed.

We also discussed provisions governing recreational or non-university business UAS use. We believe that, as currently proposed, these will be largely unenforceable. In addition, we are concerned that the proposed policy would serve as an impediment to a nascent body of research. Going forward, we ask that UCOP consult with faculty and other UC researchers who use UAS in their research to ensure that the next iteration of the proposal is sensitive to the research needs of the University.

Accordingly, DIVCO declined to endorse the proposal at this time.

Sincerely,

Robert Powell
Chair, Berkeley Division of the Academic Senate
Professor of Political Science

Cc: Stuart Bale, Chair, Committee on Research
Anita Ross, Senate Analyst, Committee on Research

April 5, 2017

To: Robert Powell, Chair, Berkeley Division of the Academic Senate
Re: COR comments on the Draft Presidential Unmanned Aircraft System Policy

As per your request, the Committee on Research (COR) has reviewed the Draft Presidential Unmanned Aircraft System (UAS) policy proposed by the Office of the President (UCOP). Presumably, this new policy is motivated by the increasingly widespread use of 'drones'. Drones have become affordable to the public and many carry cameras and microphones and other surveillance equipment. Privacy issues abound. Furthermore, there are obvious liability concerns associated with property damage and injury. Therefore, COR agrees that the increasing use of UAS for research, educational, and recreational purposes *does* warrant some system-wide policy.

In general, COR found the proposed policy to be appropriate in scope. However, we did identify several questions that should be considered and addressed in any final policy document.

1) It is not clear whether this policy applies to balloons and/or suborbital 'sounding rockets' of the sort used to carry scientific payloads. If so, this may create conflicts between NASA/NSF policies and the UCOP policy. If UC requires permission to use balloons and rockets, does this become a compliance issue that must be addressed at the time of proposal?
2) Does the proposed policy apply to international research? If so, presumably any local regulations would take priority over UC policy.
3) How exactly will UCOP delegate approval to the campuses? Will there be involvement of the Academic Senate or Sponsored Projects Offices?
4) The policy seems to imply that approval to operate UAS requires a two-week lead time. This may be overly restrictive and prevent urgent use of UAS (or rather, lead to violations of policy). The policy should allow for some *standing* permission for UAS use or a very rapid turnaround for approval.
5) COR found that there could be some ambiguity between professional and recreational use of UAS. UC may find itself presumed liable for any damages or infractions incurred by UC researchers who operate privately-owned drones in pursuit of research interests.
6) It may be prudent to establish separate policies for research/educational use (at any location) versus purely recreational use on the campuses. Recreational use on campus could be regulated by establishing designated usage zones.

COR would like to see these concerns considered and addressed in any final UCOP policy on UAS.

Stuart D. Bale
Chair