A CALL TO REVISE THE HIRING PRACTICES OF NCAA FBS HEAD COACHES

By Steven Couper*

I. INTRODUCTION

The University of Texas made headlines in early 2014 when it announced the hiring of Charlie Strong as the head coach of their football team.[1] The hiring of Strong, formerly the head coach at Louisville, was noteworthy because he became the first black head coach of any men's sport in University of Texas school history.[2] The President of the University called the hiring, "a historic day for The University of Texas and a historic hire for our football team."[3] Unfortunately, The University of Texas is not unique among National Collegiate Athletic Association (NCAA) football programs for the lack of diversity in its head coaching ranks, and Strong was fired after the 2016 season.[4] Because of this lack of diversity, critics urge reform to the hiring process of head coaches so that it is more inclusive of minorities.

The National Football League (NFL) instituted the "Rooney Rule" in 2002 to combat a similar lack of diversity among its head coaches. The Rooney Rule, named after Dan Rooney, owner of the Pittsburgh Steelers and chairman of the NFL's Workplace Diversity Committee,[5] requires that NFL teams interview at least one minority candidate for all head coaching and general manager

---

* Steven R. Couper, J.D., NYU School of Law

[1] Max Olson, *Texas Names Charlie Strong Coach*, ESPN, (Jan. 6, 2014, 5:30 PM), http://espn.go.com/college-football/story/_/id/10246816/texas-longhorns-announce-hiring-coach-charlie-strong-louisville-cardinals.

[2] *Id.*

[3] *Id.*

[4] *Longhorns Fire Coach Charlie Strong After Three Seasons*, ESPN, (Nov. 26, 2016) http://www.espn.com/college-football/story/_/id/18139996/texas-longhorns-fire-coach-charlie-strong.

[5] Richard Conway, *'Rooney Rule': Football has nothing to lose, says Dan Rooney*, BBC, (Oct. 3, 2014, 9:56 AM), http://www.bbc.com/sport/football/29464078.

openings.[6] As a result, the number of minority head coaches increased from two to six in the four years after the implementation of the Rule,[7] and the 2007 Super Bowl featured two minority head coaches (Lovie Smith of the Chicago Bears and Tony Dungy of the Indianapolis Colts), the first two minorities to ever coach in the league's championship game.[8]

Using methodology utilized by the Supreme Court,[9] this paper asks whether there is a statistical argument for the existence of employment discrimination against minority head coaches in the NCAA, focusing particularly on the Football Bowl Subdivision (FBS). After determining there is a statistically significant argument for disparate treatment of minority head coaches at the NCAA level, this paper surveys the scope of the problem and potential solutions.

II. METHODOLOGY

In employment discrimination cases the plaintiff bears the burden of establishing a prima facie case of discrimination.[10] One method of meeting this prima facie burden is through the use of statistical evidence demonstrating a statistically significant difference in treatment between the plaintiff's group and a control group.[11] In *International Brotherhood of Teamsters* v. *United*

---

[6] Ian Rapoport, *Dan Rooney: The Rooney Rule 'workable,' can be tweaked,* NFL.com, (Jan. 20, 2013, 2:49 PM), http://www.nfl.com/news/story/0ap1000000128397/article/dan-rooney-the-rooney-rule-workable-can-be-tweaked.

[7] HANNAH GORDON, THE ROBINSON RULE: MODELS FOR ADDRESSING RACE DISCRIMINATION IN THE HIRING OF NCAA HEAD FOOTBALL COACHES, 15 Sports Law. J. 1, 2 (2008).

[8] MICHAEL J. NICHOLS, TIME FOR A HAIL MARY? WITH BLEAK PROSPECTS OF BEING AIDED BY A COLLEGE VERSION OF THE NFL'S ROONEY RULE, SHOULD MINORITY COLLEGE FOOTBALL COACHES TURN THEIR ATTENTION TO TITLE VII LITIGATION?, 8 Va. Sports & Ent. L.J. 147, 148 (2008).

[9] *See Castaneda v. Partida*, 430 U.S. 482 (1977); *Int'l Bhd. of Teamsters v. United States*, 431 U.S. 324 (1977); *Hazelwood Sch. Dist. v. United States*, 433 U.S. 299 (1977).

[10] *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973).

[11] *See Int'l Bhd. of Teamsters*, 431 U.S. 324 at 337-42 (applying statistics to test the alleged difference in hiring of the plaintiffs, minority line drivers for a truck company, with a control group comprised of the general population in cities in which the truck company operated). For more recent cases discussing plaintiff's ability to use statistics to meet their prima facie burden, *see* United States v. City of New York, 717 F.3d 72, 84 (2d Cir. 2013) ("Although instances of discrimination against particular employees are relevant to show a policy of intentional discrimination, they are not required; a statistical showing of disparate impact might suffice."); Apsley v. Boeing Co., 691 F.3d 1184, 1195

States, the Supreme Court stated that it has "repeatedly approved the use of statistical proof . . . to establish a prima facie case of racial discrimination in jury selection cases," and "[s]tatistics are equally competent in proving employment discrimination."[12] Once this prima facie burden has been met, the defendant may rebut by: "(1) demonstrating that the plaintiff's statistics are 'inaccurate or insignificant;' (2) offering his own statistical proof of nondiscriminatory hiring practices; or (3) offering nondiscriminatory explanations for the disparity in the statistics."[13]

The Supreme Court uses a binomial distribution to analyze discrimination claims as this method allows the court to model the characteristics of a sample group randomly drawn from a general population.[14] Under this method, the Court tests for differences in treatment between the plaintiff population alleging discriminatory treatment and a control group that is not subject to discrimination. Using the demographics of the control group the Court estimates the expected number of people in the plaintiff population in the absence of any disparate treatment based on the characteristics of the plaintiff population.

When applying the binomial distribution it is critical to use an appropriate control group. Choosing the wrong control group can invalidate the legitimacy of one's findings and drastically alter the conclusion a court reaches. For example, in *Hazelwood School District* v. *United States*, the Supreme Court examined the merits of alleged employment discrimination of black schoolteachers in the St. Louis area.[15] Before the case reached the Supreme Court, the district court compared the plaintiff group to a control group comprised of students in the school district. Under this analysis, the district court found the plaintiffs failed to meet their burden of

---

(10th Cir. 2012) ("'Gross statistical disparities . . . alone may in a proper case constitute prima facie proof of a pattern or practice of discrimination.'") (quoting Hazelwood Sch. Dist., 433 U.S. 299 at 307-08).

[12] *Int'l Bhd. of Teamsters*, 431 U.S. 324 at 339.

[13] BEN IKUTA, WHY BINOMIAL DISTRIBUTIONS DO NOT WORK AS PROOF OF EMPLOYMENT DISCRIMINATION, 59 Hastings L.J. 1235, 1236-37 (2008) (quoting Int'l Bhd. of Teamsters v. United States, 431 U.S. at 360) (footnotes omitted).

[14] *See Castaneda*, 430 U.S. at 496 n.17 (using the binomial distribution to test for alleged discrimination of Mexican-Americans in jury selections).

[15] *Hazelwood Sch. Dist. v. United States*, 433 U.S. 299, 310 (1977).

establishing a prima facie case of employment discrimination.[16] On appeal, the Supreme Court determined that the district court's use of the student population as the control group "fundamentally misconceived the role of statistics in employment discrimination cases."[17] Rather, the control group should have consisted of qualified public school teachers in the relevant labor market. While the Supreme Court ultimately remanded the analysis of the control group back to the trial court for further consideration, the Court duly noted the importance of the appropriate selection of the control group.[18]

In the present situation, the correct control group is not immediately evident. One might start by using the most recent census data, but this is inappropriate as FBS head coaches are not simply pulled out of the general population at random. Head coaches are chosen because they possess a particular skill set, the most basic of which is an understanding of the game of football. Given this requisite understanding of football, a control group that factors in this experience is more appropriate. Of the 128 FBS head coaches at the start of the 2014 season, 118 (92.2%) played collegiate football.[19] Thus, collegiate football playing experience serves as a valuable proxy for understanding the game of football and the control group can be narrowed to NCAA football players. Because current FBS coaches are older than current NCAA football players, the correct control group is not current football players. Rather, the applicable control group is NCAA football players a generation ago. Thus, the control group for this paper is NCAA Division I Football players from the 1991-92 season, the earliest season for which reliable data is available. Division I football players were used because the FBS did not exist in 1991-92 and

---

[16]   *United States v. Hazelwood Sch. Dist.*, 392 F. Supp. 1276, 1290 (E.D. Mo. 1975) (rev'd Hazelwood Sch. Dist. v. United States, 433 U.S. 299 (1977)).

[17]   *Hazelwood Sch. Dist.,* 433 U.S. at 308.

[18]   *Id.* at 311 (determining that depending on the control group selected the statistical significance "may be sufficiently small to weaken the Government's other proof . . . [or] sufficiently large to reinforce it.").

[19]   Tom Moss, *Ranking FBS college football coaches by playing career, 1-128*, CBSSports.com, (Aug. 26, 2014, 10:07 AM) https://www.cbssports.com/college-football/news/ranking-fbs-college-football-coaches-by-playing-career-1-128/

almost all of the current FBS schools participated in Division I during the 1991-92 season.[20]

III. DATA

This paper looks at head coaches of football teams that participate in the NCAA's FBS division. At the start of the 2016 college football season there were 127 FBS teams divided into ten conferences and four independent schools.[21] This paper focuses on the FBS schools, as these are the most high profile, coveted coaching jobs available at the NCAA level. Additionally, there is little need to expand the data set to the other divisions of men's football – Football Championship Series (FCS), Division II, and Division III – as they do not have greater diversity in their coaching ranks than the FBS.[22]

Using data available on schools' websites and sports-reference.com this paper compiles a data set of all 127 FBS head coaches at the start of the 2016 season.[23] The data set includes the names of the 127 head coaches, the race of the coaches, their years of experience at FBS schools, as well as their career winning percentage at FBS schools. Of the 127 FBS head coaches that started the 2016 season, seventeen were minority coaches:[24] James

---

[20] One other suggested control is that of assistant football coaches. ("[T]he pool of assistant coaches is twenty-three percent African-American so we expect in a nondiscriminatory 'ideal treatment' world that twenty-three percent of head coaches would be African-American."). Gordon, *supra* at 7 However, this control group is inappropriate as disparate treatment of minority head coaches may stem from their inability to obtain assistant coaching jobs at similar rates as their white counterparts.

[21] *College Football Teams*, ESPN, (last visited Feb. 22, 2017) http://www.espn.com/college-football/teams.

[22] Richard Lapchick, Rahman Anjorin & Brenton Nickerson, *Striving for Sustained Positive Change: The Black Coaches and Administrators (BCA) Hiring Report Card for NCAA FBS and FCS Football Head Coaching Positions (2011-12),* Black Coaches & Administrators (2012), http://nebula.wsimg.com/df44b8a0487a0023b62890131661f3b5?AccessKeyId=DAC3A56 D8FB782449D2A&disposition=0&alloworigin=1, ("Schools in the FCS, Division II and Division III levels are even less diverse in their hiring practices" as white coaches comprised 86.2%, 88% and 91.9% of all head coaching jobs in 2011-12 at DI, DII, and DIII respectively. *Id*. at 9).

[23] *College Football,* Sports Reference/College Football, (last visited Feb. 22, 2017) http://www.sports-reference.com/cfb/.

[24] For the purposes of this paper, minorities are defined as non-white. Minority coaches were identified using Richard Lapchick & DaWon Baker, *The 2015 Racial and Gender Report Card: College Sport*, Black Coaches & Administrators (2015), *available at*

Franklin (Penn State), David Shaw (Stanford), Kevin Sumlin (Texas A&M), Charlie Strong (Texas), Kalani Sitake (BYU), Derek Mason (Vanderbilt), Frank Wilson (UT San Antonio), Darrell Hazell (Purdue), Scottie Montgomery (East Carolina), Willie Taggart (South Carolina), Trent Miles (Georgia State), Mike Jinks (Bowling Green), Dino Babers (Syracuse), Everett Withers (Texas State), Tony Sanchez (UNLV), Paul Haynes (Kent State), and Ken Niumatalolo (Navy).[25]

The table below shows the racial demographics of certain populations including FBS head coaches at the start of the 2016 season and Division I college football players during the 1991-92 season.

	White	Minority
2016 FBS Head Coaches[26]	86.6%	13.4%
2016 US Census[27]	61.3%	38.4%
2015 FBS Football Players[28]	41.4%	58.6%
1991-92 NCAA Division I Football Players[29]	53.2%	46.8%

---

http://nebula.wsimg.com/210cb7ee5ca463c836c1002552a6d338?AccessKeyId=DAC3A56 D8FB782449D2A&disposition=0&alloworigin=1%202016.

[25] Minority head coaches were identified using *Id* and Richard Lapchick, Saahil Marfatia, Austin Bloom, and Stanley Sylverain, *The 2016 Racial and Gender Report Card: College Sport*, THE INSTITUTE FOR DIVERSITY AND ETHICS IN SPORT (2015),   *available*   *at* http://nebula.wsimg.com/38d2d0480373afd027ca38308220711f?AccessKeyId=DAC3A56 D8FB782449D2A&disposition=0&alloworigin=1.

[26] This calculation is based on the fact that 17 of the 127 head coaches are minorities, while 110 of the 127 are white.

[27] *State & County Quick Facts*, United States Census Bureau, (last visited Feb 22, 2017) https://www.census.gov/quickfacts/ ("White alone, not Hispanic or Latino, percent, July 6, 2016 [is] 61.3%").

[28] Baker & Lapchick, *The 2015 Racial and Gender Report Card: College Sport*, Black Coaches & Administrators (2015), http://www.tidesport.org/college-sport.html ("Of all student-athletes in Division I football at the FBS level during the 2015 year, 53.4 percent were African-Americans, 41.4 percent were white, 2.2 percent were Latinos, Asian/Pacific Islanders represented 2.4 percent, and 0.6 percent of male Division I football student-athletes were classified as 'other.'").

[29] Lapchick, Martifia, Bloom & Sylverain, *supra* note 25.

In addition, the table below contains certain summary statistics of the performance and coaching experience of current FBS head coaches.

	White Coaches	Minority Coaches
Number of FBS Head Coaches[30]	110	17
Average Years of Experience at FBS Schools[31]	6.3	3.4
Career Winning % at FBS Schools[32]	60.3%	54.3%

IV. CALCULATIONS

The following analysis uses a binomial distribution to test whether there is a statistically significant case for differences in the employment of FBS head coaches based on race. Here, one compares the actual number of minority FBS head coaches (17) to the expected number of minority head coaches using the demographics of the control group.

Using the demographics of NCAA Division I football players during the 1991-92 season as the control group (46.8% minority), one would expect that in the absence of any disparate treatment based on race that there would be:[33]

.468 * 127 or 59.4 FBS minority head coaches

The difference between the actual number of minority FBS head coaches and the expected number of minority FBS head coaches is:

---

[30] *See Supra* note 26.

[31] FBS coaching experience includes all partial years in which a coach coached. Thus, for the purposes of this paper if a coach was fired mid-season or replaced a coach mid-season it counts as a year of coaching experience.

[32] Self-Calculation provided by stats from sports-reference.com.

[33] *See e.g.*, Alan Agresti & Barbara Finley, *Statistical Methods for the Social Sciences* 85 (3rd ed. 1997).

(17 - 59.4) = - 42.4 head coaches

The standard deviation for this calculation is the square root of (n * p * (1 - p)) where n is the number of FBS head coaches (127) and p is the percentage of minorities in the control group (.468). Thus, the standard deviation is:[34]

$\sqrt{(127 * .468 * (1 - .468))} = 5.62$

The Z statistic, a test of statistical significance, of this calculation is found by taking the difference of the number of minority coaches in the FBS and the expected number of minority coaches in the FBS found above, and dividing all of this by the standard deviation of the expected value calculation.[35] Thus, the Z statistic of this calculation is:

Z = (17 - 59.4) / 5.62 = -7.54

A Z statistic can be converted into a probability, showing the odds of an event occurring.[36] In the above calculation, the Z statistic means that, given our assumptions, in the absence of discrimination or any other hiring practice based on race, that there is less than a 1 in 15,000,000,000,000 (fifteen trillion) chance of obtaining a sample with seventeen or fewer minority head coaches in the FBS.[37] As a point of reference, the Supreme Court has held that statistical significance of more than two to three standard deviations is sufficient to establish a prima facie case of discrimination.[38]

Below is a chart displaying the statistical significance of the calculation for disparate treatment of current minority FBS coaches applying the three different control groups discussed above. While the optimal control group for the expected demographics of current

---

[34] *Id*. at 191.

[35] *Id*. at 160.

[36] *Id*. at 161.

[37] Using a Z-score calculator and applying a two-sided test, the odds of achieving the above sample are 0.00000000000015746. *See e.g. Z-Score to Percentile Calculator* MeasuringU (last visited Feb. 22, 2017) https://measuringu.com/pcalcz/.

[38] *Castaneda v. Partida*, 430 U.S. 483, 496 (1977) ("As a general rule for such large samples, if the difference between the expected value and the observed number is greater than two or three standard deviations, then the hypothesis that the [selection] was random would be suspect to a social scientist.").

FBS head coaches is that of NCAA Division I football players from 1991-92, clear evidence of disparate treatment against minority coaches can be found using other control groups.

Control Group	% Minorities	Expected Number of Minority FBS Head Coaches in 2016	Z-Statistic	Likelihood
2016 US Census[39]	38.7%	49.1	-6.03	1 in 600,000,000
2015 FBS Football Players[40]	58.6%	72.0	-10.03	Less than 1 in 80 sextillion
1991-92 NCAA Division I Football Players[41]	46.8%	59.4	-7.54	Less than 1 in 15 trillion

African Americans comprise the majority of minorities that currently play FBS football and serve as FBS head coaches.[42] The chart below contains the same calculations as the above chart, but examines solely whether there is evidence of disparate treatment of African American FBS head coaches.

---

[39] *Supra* note 27.

[40] Baker & Lapchick, *supra* note 24.

[41] Lapchick, Martifia, Bloom & Sylverain, *supra* note 25.

[42] Fourteen of the seventeen minority FBS head coaches in this data set are African American: James Franklin (Penn State), David Shaw (Stanford), Kevin Sumlin (Texas A&M), Charlie Strong (Texas), Derek Mason (Vanderbilt), Frank Wilson (UT San Antonio), Scottie Montgomery (East Carolina), Willie Taggart (South Florida), Darrell Hazell (Purdue), Mike Jinks (Bowling Green), Dino Babers (Syracuse), Everett Withers (Texas State), Trent Miles (Georgia State), and Paul Haynes (Kent State). Baker & Lapchick, *supra* note 24.

Control Group	% African American	Expected Number of African American FBS Head Coaches in 2016	Z-Statistic	Likelihood
2016 US Census[43]	13.3%	16.9	-1.02	1 in 3
2015 FBS Football Players[44]	53.4%	67.8	-9.75	Less than 1 in 5 sextillion
1991-92 NCAA Division I Football Players[45]	42.7%	54.2	-7.40	Less than 1 in 6 trillion

One interesting thing to note is that there is a significant difference in head coaching experience depending on a coach's race. White FBS head coaches have an average of 6.32 years (standard deviation of 5.63 years) of FBS head coaching experience while minority coaches have an average of 3.41 years (standard deviation of 2.96 years) of FBS head coaching experience.[46]

In order to test whether there is a statistically significant difference in the mean number of years that white coaches versus minority coaches have coached, one can use a t-test.[47] A t-test allows one to measure differences in two different samples.[48] Here, the coaching experience of white FBS head coaches and that of minority FBS head coaches. The null hypothesis of this t-test is that in the absence of any disparate treatment based on race, one would

---

[43] *Supra* note 27.

[44] Baker & Lapchick, *supra* note 24.

[45] Lapchick, Agusta, Kinkopf & McPhee, *supra* note 25.

[46] Self-Calculation provided by stats from sports-reference.com.

[47] *See   Two   Sample   t-test* MathWorks   (last   visited   Feb.   22,   2017) https://www.mathworks.com/help/stats/ttest2.html?s_tid=gn_loc_drop.

[48] Agresti & Finley, *supra* note 221.

expect no difference in the experience of white and minority coaches. For the numerator of the t-statistic, one takes the difference in mean coaching experiences of white and minority FBS head coaches and subtracts zero because the expected difference between these two samples is zero:[49]

(6.32 - 3.41) - 0 = 2.91 years

Since these population means have different variances, the denominator is calculated by taking the square root of the sum of the respective sample variances divided by the number of observations.[50] Thus, the denominator is:

$\sqrt{(5.63 / 110) + (2.96 / 17)} = 0.47$

Dividing the numerator calculated above by this denominator, the value of the t-statistic is:

t = 2.91 / 0.47 = 6.12

A conservative estimate of the appropriate degrees of freedom can be found by taking the number of observations in the smaller sample and subtracting one, thus the above t-statistic has fifteen degrees of freedom. This t-test is highly statistically significant at the 1 percent level and the probability that these two populations have the same mean is effectively zero. If race was not a factor one would expect to find a sample with a divergence in the years of coaching experience as large as the one that actually exists in less than 1 in 100,000 samples.

V. ANALYSIS

The Supreme Court allows plaintiffs to use statistics in order to meet their prima facie burden of discrimination.[51] Thus, while it is likely that additional evidence of discrimination will be needed to prevail, statistics can play a significant role in a court's analysis.

---

[49] *Id.*

[50] *Id.*

[51] *See Int'l Bhd. of Teamsters*, 431 U.S. at 339 ("Our cases make it unmistakably clear that '[s]tatistial analyses have served and will continue to serve an important role' in cases in which the existence of discrimination is a disputed issue.") (quoting *Mayor of City of Philadelphia v. Educ. Equal. League*, 415 U.S. 605, 620 (1974)).

This paper is not going so far as to say that employment discrimination exists against minority head coaches at the FBS level.[52] The above data clearly demonstrates that there is a significant lack of diversity among FBS head coaches.

Now that it is clear that a significant diversity problem exists among FBS head coaches it is important to consider the scope of the problem. Part of the problem is that this disparate treatment based on race does not seem confined to the head coaching position. A recent study found that in 2014-2015 the percentage of white athletic directors in Divisions I, II, and III, was 87.5%, 91.2%, and 94.3% respectively.[53] Additionally, on men's NCAA sports teams in Divisions I, II, and III, the percentage of assistant coaching positions held by white coaches was 73.6%, 75.5%, and 84.7% respectively.[54] These numbers are nearly identical to that of assistant coaches in women's NCAA sports where "whites held 75.5%, 76.8%, and 86.4% of assistant coaching positions in Divisions I, II, and III, respectively."[55] These data demonstrating the lack of diversity among assistant coaching positions in the NCAA is troubling as head coaches are often promoted from the ranks of assistant coaches.

Additionally, the data demonstrating statistically significant differences in the coaching experience of white and minority FBS head coaches is concerning. One benign explanation for this phenomenon is that there has been a recent surge in the hiring of new minority FBS coaches without significant prior head coaching experience. This explanation has some merit as the 2005 Rose Bowl, where UCLA played Washington, featured two-thirds of the African

---

[52] If minority coaches are able to provide evidence supporting a price facie case of discrimination, then the NCAA would attempt to provide non-discriminatory explanations for the lack of diversity. One possible defense is that the lack of diversity is simply due to self-selection on the part of minority coaches rather than any discriminatory hiring practice. The rationale behind this argument is that a disproportionate number of minority football players simply choose to pursue other career options instead of deciding to become a coach.

[53] Richard Lapchick & DaWon Baker, THE 2015 RACIAL AND GENDER REPORT CARD: COLLEGE SPORT, The Institute for Diversity and Ethics in Sports (April 7, 2016),   *available*   *at* http://nebula.wsimg.com/210cb7ee5ca463c836c1002552a6d338?AccessKeyId=DAC3A56 D8FB782449D2A&disposition=0&alloworigin=1.

[54] *Id.*

[55] *Id.*

American head coaches in Division I Football,[56] and the number of African American coaches jumped to eleven in 2009.[57] Alternatively, it may be the case that minority coaches are hired more frequently at lower-ranked, less successful programs that struggle and replace their coaches more often.[58] This factor helps to explain why minority head coaches have a slightly lower career FBS winning percentage than white head coaches (54.3% to 60.3%).[59] One inimical explanation for this difference in experience is that the performance of minority head coaches is subject to greater scrutiny,[60] thus affording them less time to turn around a struggling program.

Several solutions have been proposed or implemented to curb the disparate treatment of minority head coaches in the NCAA. Numerous advocates, both in academia[61] and media,[62] have called for the NCAA to implement a version of the NFL's Rooney Rule and require that schools interview a minority candidate for all head coaching vacancies. One proposal suggests naming the NCAA's

---

[56] Eric Adelson, *College football hits a landmark for black coaches*, YAHOO! SPORTS, (Nov. 15, 2012 4:14 PM), http://sports.yahoo.com/news/ncaaf—college-football-hits-landmark-moment-for-black-coaches-.html.

[57] Floyd A. Keith, *Diversity comes to NCAA football coaching ranks*, CNN, (Dec. 21, 2009   1:15   PM), http://www.cnn.com/2009/OPINION/12/21/keith.college.football.coaches.diversity/index.html.

[58] Minority head coaches are given more opportunities at lower-tier NCAA men's college basketball programs. *See* Nichols, *supra* (attributing the increased level of diversity in men's college basketball head coaching positions to the fact that "'lower end Division I' schools provid[e] opportunities to minorities who often succeed and are rewarded with upper Division I coaching positions").

[59] Self-Calculation provided by stats from sports-reference.com.

[60] *See* Max Olson, *Red McCombs bashes Texas hire*, ESPN (Jan. 8, 2014 11:33 AM), http://espn.go.com/college-football/story/_/id/10257706/booster-red-mccombs-bashes-texas-longhorns-charlie-strong-hire.

[61] Nichols, *supra* at 160 ("Given the success of the Rooney Rule at the professional level, many have expressed that instituting a similar rule on the college level is the best solution for the racial imbalance between minority and Caucasian head coaches throughout all levels of college football.").

[62] *See* Jeff Eisenberg, *College athletes closer to adopting NFL's Rooney Rule*, Yahoo! Sports,   (June   28,   2010), http://sports.yahoo.com/ncaa/basketball/blog/the_dagger/post/College-athletics-inches-closer-to-adopting-NFL-?urn=ncaab,252097 ("The Rooney Rule certainly wouldn't be a cure-all for hiring in college athletics, but it would at least foster an environment where minority candidates are getting a fair shot.").

version of the Rule the Robinson Rule after Eddie Robinson,[63] a legendary coach who won 408 games over 55 seasons at Grambling State.[64]Additionally, teams could implement "an empirical consulting style approach" when selecting a new coach, which should "eliminate[] the social network bias that excludes coaches of color from the mix."[65] Finally, one paper suggests that a minority "coach could file a lawsuit against the NCAA for violating Title VII of the Civil Rights Act of 1964."[66]

The NCAA has implemented modest strategies aimed at reducing the disparate treatment of minority coaches. The NCAA started the Future Football Coaches Academy to "address the limited number of minority coaches at the head coach level in intercollegiate athletics."[67] These academies are targeted towards those with an interest in coaching, both with and without prior coaching experience.[68] Additionally, the NCAA created the Office of Inclusion to provide education aimed at furthering inclusivity[69] and partnered with the Minority Opportunities Athletic Association to celebrate athletic departments that "embrace diversity and inclusion across the intercollegiate athletic community."[70]

The NCAA has resisted calls to implement a rule similar to the NFL's Rooney Rule. The Association states that as a "non-profit and voluntary member association" it "can't influence campus hiring practices" in the same manner as the NFL.[71] Meanwhile, per the Association, Division I athletic directors have "adopted hiring

---

[63] Gordon, *supra* at 19.

[64] William N. Wallace, *Eddie Robinson, 88, Pioneer Grambling Coach, Is Dead*, The New York Times, (Apr. 5, 2007), http://www.nytimes.com/2007/04/05/sports/ncaafootball/05robinson.html?_r=0.

[65] Gordon, *supra* at 18.

[66] Gordon, *supra* at 3.

[67] *NCAA invited 30 to Futures Football Coaches Academy*, NCAA, (Jan. 6, 2012 12:00 AM), http://www.ncaa.org/about/resources/media-center/news/ncaa-invites-30-future-football-coaches-academy.

[68] However, it has been noted that these coaching academies indicate the NCAA "seems to ignore that many minority coaches are already qualified and are merely not being given head coaching opportunities." Nichols, *supra* at 161.

[69] *Inclusion*, NCAA, (last visited Nov. 16 2014) http://www.ncaa.org/about/resources/inclusion.

[70] *Award for Diversity and Inclusion*, NCAA, (last visited Nov. 16, 2014), http://www.tidesport.org/Grad%20Rates/BCA/2012%20BCA%20Football%20Report%20Card.pdf.

[71] *Minority Head Football Coaches*, NCAA, (last visited Nov. 16, 2014), http://www.ncaa.org/about/resources/media-center/minority-head-football-coaches.

guidelines similar to the 'Rooney Rule'" on a "voluntary" basis.[72] Critics have noted that "[t]his view seems woefully shortsighted in light of the fact that the NCAA usurps institutional authority on seemingly trivial matters and important issues alike."[73] Furthermore, "[t]o say the NCAA cannot impose interview requirements for the hiring of coaches seems to be a convenient way of skirting responsibility for the perpetuation of this problem."[74]

VI. CONCLUSION

There is a troubling lack of diversity among head football coaches in the NCAA. By comparing the actual number of current minority FBS head coaches to the demographics of an appropriate control group, evidence emerges of a statistically significant argument for the disparate treatment of minority head coaches. This statistical methodology, a binomial distribution, is recognized by courts as a way to establish a prima facie case of discrimination. While this paper does not weigh in on the merits of a potential suit by minority coaches, the analysis demonstrates the need for additional measures to improve the hiring prospects of minority coaches at the head coaching level of FBS schools.

---

[72] *Id.*

[73] Nichols, *supra* at 161-62.

[74] *Id.* at 162.