

INFLUENCE OF SCHOOL ADMINISTRATORS' TORT KNOWLEDGE ON STUDENTS RIGHTS IN SENIOR SECONDARY SCHOOLS, OYO STATE, NIGERIA

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Abstract

This study aimed at investigating the influence of school administrators' knowledge of torts on Students' Rights in senior secondary schools in Oyo State, Nigeria. The study employed a survey design for which administrators were selected from six educational zones (42 principals and 114 vice principals) as participants in the study. Instruments used were Administrators' Knowledge of Tort Law Scale (KoTL; $\alpha = 0.79$), and Infringement of Students' Rights Survey (IoSR; $\alpha = 0.78$) scales were adopted. Data obtained were analysed using descriptive statistics, Pearson's Product Moment Correlation, t-test and with level of significance set at 0.05. The result showed that Knowledge of Tort Law (KoTL) among administrator ($\bar{x} = 2.86$) was fair. KoTL ($r = -0.691$) had significant negative correlations with IoSR. Gender had no significant impact on Administrators' knowledge of tort law ($t = -1.698$, $df = 154$, $P > .05$). It was recommended that school administration should be improved through training, especially those relating to tort law, while offending school administrators should be duly punished.

Keywords: School Administrators, Nigerian Tort Laws, Civil Wrongs, Students' rights, Oyo State.

Introduction

A significant concern for schools today revolves on students' rights and responsibilities. This is mostly important especially when what the society wants for their children is free, appropriate and safe public education. It is worthy to note that liberty of individuals under law includes the right to education (America Bar Association Fund for Justice and Education, 2001). The National Policy on Education of the Federal Government of Nigeria (FGN, 2013) emphasises among others, equivalent educational possibilities for all learners irrespective of race, gender, religious background, nationality, language, social and cultural background, age and financial status. Students therefore have inalienable rights to speech, patriotic expression, written expression, assembly, symbolic expression in terms of (dressing and appearance), safety, security and religious expression in the schools. Moreover, as it is believed that no right exist without responsibility, it is also imperative to take note of the fact that learners have responsibilities. Responsibilities of students encompass compulsory education, highly reduced absenteeism, and discipline, immense respect for their colleagues, school teachers and school's management, upholding altruistic and pro-social behaviours amongst others.

In Nigeria, the fact that many school authorities are vested with the right to use corporal punishment on students and subordinates without adequate legal guidelines is questionable (Oyededeji, 2012). It is mostly found that many administrators abuse the principle of *in loco parentis*, which place children under the care of the school. This issue is made pertinent given that many parents seem to accept without recourse, the idea of such disciplinary measure as it is been meted on their wards even when they do not understand the reason for their actions (Ogbe, 2015). Corporal punishment, as it is commonly favoured in Nigeria, is an act of infringement of right to life and liberty of a student (Children and Young Person Act, 1959 section 14). Actions such as cutting a student's hair or adjusting a student's shirt to a specified measurement on the school assembly or in the classroom in the believe of preparing is an act of infringement to right to dignity of human person; banning a learner from participating in an examination which the student has fittingly enrolled for is an infringement to right to personal liberty among others Children ACT, 1958 section 11 (Peretomode 1992 in Oyededeji, 2012). In such, one conclusion that could be drawn is that despite the upbeat effort in recognising certain aspect of right in the country, the implementation of such law to educational practice is still low (Coetzee, 2010).

Many have solicited that the only way to solve the puzzle surrounding the rights and responsibilities among administrators on students lies in its avoidance. However, if such situations inevitably occurred, then minimizing would serve be a great achievement. It is expected that, the administrators have to be proactive in minimizing the possibility of breaching the law (Henderson-Boone et al. 2010). The implication is that must be able to foresee conceivable threats and find a way to maintain a strategic distance from them, and control school life such that learning is occurring while the privileges of all are being regarded.

One important factor discussed in line with infringement of students' rights is knowledge of tort. Knowledge of tort encompasses awareness of secondary school administrators as regards the tort law. With the knowledge of tort law, the school can be legally (whether jointly or individually) held responsible or liable for any injuries inflicted on a student during the statutory hours of schooling (Obi, 2004). Despite this, knowledge of tort law is seemingly overlooked in the selection of school managers and their routine dealings with students and other stakeholders in education. Yet, it is one of the aspects that need to be viewed with a large show of seriousness by various governments. It is not surprising that so many authors have provided insights about how knowledge influences the infringement of rights generally in the society (Mestry and Grobler, 2004; Monyatsi, 2005).

Knowledge of law entails awareness of legal boundaries and consequences upon one's action. First, every individual needs to be fully aware of central rights, for example, opportunity of articulation, affiliation, independence from discrimination, freedom of religion (Constitution of Federal Republic of Nigeria, 1999, 2013). However, administrators by virtue of their responsibility are expected to understand certain aspect of the law on consequence of behaviour as a moral guide to their own actions and inactions. Administrators' responsibility extends to protecting and supervising students within and, at times, outside the school premises. They also hold the power to request for, supervise employees and subordinates. These, therefore, define the importance of their oversight function in the school system. It is likely that accidents will happen in schools and which could cause injury to students.

Administrators' wisdom lies in anticipation of potential danger, if they fail to act or perform their responsibility, then they may be held liable for the misfortunes. This is why the warning, "Educators ignore the law at their peril" is used since failure to act could attract financial implication. Ullian (2006) posits that managers must have the capacity to answer two basic inquiries in regards to school legislations, "What would I be able to do, and what should I do?" Both are basic to building "familiarity with the laws and the cut off points of what they may or may not be able to do. At the end of the day, they need to take sensible care to evade acts or exclusions which they can sensibly predict would probably harm their subjects.

Of course, the implication of knowledge on tort liability goes beyond negligent related issues. Knowledge of administrators is also needed in the area of trespass. In the studies of Oyedeki (2012) and Francis (2011) it was found out that many administrators do not know fully the context and or how to place the right punishment on school student. In many schools, there are many cases of abuse of power applicable to students' misconducts. These situations are not limited to areas of punishment, conducting search on students, judgement on students' dressing, excluding a scholar from participating in an exam which he/she has fittingly enrolled for and generally disciplinary measures in suspension, expulsion.

Knowledge of law among administration is impactful because there is only thin line between the acceptability of such acts and violation of rights (Oyedeki, 2012). Other areas include dealing with the right and dealing with disabled students in the school. Administrators ought to know as much as possible about what the law says in respect to conduct towards students under their supervision as they know about the psychology of learning (Francis, 2011).

Objectives

- i. Ascertain the level of tort knowledge of school administrators.
- ii. Examine the relationships between knowledge of tort and infringement of students' rights.
- iii. Examine gender impact on knowledge of tort law among administrators

Literature Review

Meaning of Tort

Tort is one of the major areas of law that contains fundamental principles of liability. Individuals are known to be liable for their actions or inactions when such result in harm to others (Valente, 2010). A civil but legal act that amounts to tort is said to be tortious. Thus, a legal act is said to be tortuous if it is not criminal in nature. To be liable in a legal sense means to be made to suffer in law for an act or omission.

Harris (2007) lists these liabilities to include liability for trespass, defamation, deceit and negligent, misstatements as well as for loss or damages caused by dangerous premises. There are various regions where tort risk can influence a school manager: flogging, premises obligation, supervision obligation, maligning and instructive negligence. A school executive is subject in supervision of understudies to the degree to which they don't go about as a sensible individual of customary reasonability would act in like conditions (Ozurumba, 2008).

There are four factors in deciding a tort guarantee: do the sued party have an obligation of care under the law that would have kept the damage endured by the petitioner? On the off

chance that there was an obligation of care, was the obligation really broken? On the off chance that a rupture of obligation happened, would it say it was the proximate (or direct) reason for the damage? Also, provided that this is true, is the sued party protected from obligation by a benefit or invulnerability given by a law (McCarthy and Combron-McCabe, 2010). A convoluted risk is identified with the obligation of care, and carelessness of that obligation, as for people with whom there is no legally binding obligation. Rogers (2009), sees tortious liability as civil legal wrongs for which one can legally institute litigation or seek for redress in court and claim damages. In fact, it involves offence emanating from wrongful conduct for which one can sue or be sued, penalised or compensated. In other words, liability amounts to legal proceedings (Usaini, 2001).

Classification of Tortious Liabilities

Emmanuel (1994), states that tort liability is categorized into intentional and unintentional (negligent) torts, school administrators and students all over the world, including Nigeria, have been observed to be obligated for conferring deliberate torts. Purposeful tort is an offense submitted by a man who endeavor or means to do hurt (Alexander and Alexander, 2009). In any case, for the purpose to exist, the individual must know that damage will be the consequence of the demonstration. Basic sort of purposeful tort is a strike. Scholars like Howarth and O'Sullivan (2010) and Kodilinye and Aluko (1999) outline four elements of tortious liabilities to include standard of care, duty to provide care, total failure to perform duty, (nonfeasance), and then actual loss or injury (malfeasance).

Tort law, according to Rogers (2009), is concerned with allocation or prevention of losses that inevitably occur in the society. Protection and safeguarding of peoples' interest therefore becomes the right of the law of torts. These rights of law include personal and property interest; interests in reputation, in family relations and economic relations; interference with judicial process as well as miscellaneous interests. Tort of trespass to the person therefore seeks to protect personal interest by which the plaintiff is protected from physical harm to his person (Kodilinye and Aluko, 1999). Tort of trespass to the person, as a class of tortious liability, involves three fundamental viewpoints to be specific: Assault, Battery and False Imprisonment. Best and David (2011) refer to these as the most important torts. The common element in these is that the wrong must be committed by "direct" means.

Students Rights in Relation to Tort Law

Ozokwere (2002) refers to rights as those which are internationally recognized as belonging to any individual on the basis of humanity, and every legal system seeks to protect these essential rights of its subject. As regards the Nigerian experience, Ogunu goes further to say that the 1999 constitution, which first appeared in 1959, has a list of rights and freedom which is contained in sections 33–46 of the constitution of Nigeria (FRN, 2004). These provisions expressly entrench the rights of every Nigerian citizen to life, dignity, personal liberty, fair hearing, privacy, still, small voice and religion and opportunity from separation. None of the sections under the rights provisions could be interpreted without having educational implication. It follows that every person, be he a student or school administrator, is entitled to these rights. In fact, child protection is a key issue that schools have to address. On this note, Szemerényi and Gold (2009) state that this arises in two distinct ways; "protection of children from abuse of violence occurring away from the school and incidents of abuse within the school by a student or staff". It is therefore expedient that school administrators should

lead the war for societal change by starting change in schools through recognition of rights in school (Keng, 2007).

Knowledge of Tort Law

Knowledge is a property of an activity. Completing a certain something while at the same time noticing other important events are not two parallel lines of activity but rather a particular method for seeking after a line of activity, to be specific to do it mindfully, skillfully, carefully, accountable (Mawdsley, 2010). As indicated by Alexander (2009), learning does not allude to some exceptional class of mental state existing freely of activity yet to a man's being or getting to be mindful of something. Learning is an incorporated part of training and should be researched in that capacity.

Schimidt (2002) in his definition characterizes information as a component of reasonable activity which is efficiently refined inside the growing course of ordinary exercises. Ozurumba (2008) is of the view that learning is a programmed reaction to our condition, which we can coordinate when required. As indicated by him, it is a social action, in that we take prompts from everyone around us which can impact our insight and prompt a more noteworthy shared learning. Information is continuously accomplished in a joint effort with others. As indicated by Gatley (1998), learning is the state or capacity to see, to feel, or to be cognizant of events, objects.

The essence of knowledge in the definition of tort of liability has been underscored in various studies. Bohlen (2004) confirmed this most especially for those torts that descended from Trespass. Acting with awareness that harm was sure to go after the same as acting for the purpose of causing that harm; both reflected culpable states of mind. He stressed that one who embarks on a particular course of action with knowledge that it would involve as a necessary result an intrusion of another's lawfully ensured intrigue is as culpable as though the act were done for the very purpose of invading interest (Levine, 2005). Both the individual that acted with purpose of intent and those who acted in knowledge of consequence are both culpable because both have made subjective choice to act in a way that invaded the plaintiff's interest. Levine (2005) maintained that Criminal law treats knowledge intent as equivalent of desire intent; and common history of Criminal law and Trespass Tort were justified using the same definition.

Generally, there are areas of legal matters that principals and teachers should be aware of. Such areas define their legal boundaries and lack of knowledge of them could be a bound to individuals for liabilities. Some of them include: Physical Punishment, Separation, Dangers of Violence, Pursuit or Seizure, Clothing regulations and School Uniforms, Disciplinary Actions etc.

Methodology

The research design adopted for this study is the correlational type of descriptive survey. Participants were 36 principals and 80 vice principals who were randomly selected from six educational zones in Oyo state. The age of administrators ranges from 40 to 60 years with a mean of 54.42.

Measures

The instrument used for data collection was questionnaire developed by the researcher. The questionnaire administered to the school administrators was titled “Administrators Questionnaires for Measuring Knowledge of tort law” (KoTL). TheKoTL instrument (KoTL) is a 5-item scale with responses based on the four-point rating scale: 1 = SA-Strongly Agree; 2 = A-Agree; 3 = D-Disagree; 4 = SD-Strongly Disagree. Examples of the items contained includes: (1) *I know little about law to help me to practice professionally in the school* (2) *I am aware of the consequences of law in the school*. The reliability (α) was obtained as = 0.79. Another instrument used in the study is Administrators’ Infringement of Students’ Rights (IoSR). Through different case studies examined, some 5-item cases of legal liabilities of administrators were developed. Examples of the items include: (1) *administrators’ failure to anticipate the danger to a student and enforce security measures* (2) *administrators’ threaten to sue a subordinate on criminal ground* (3) *administrators’ convey information on student/staff on the ground of suspicion*. The scale was anchored on the frequency of occurrence, that is, from 1 = Never, 2 = Seldom, 3 = Sometimes, 4 = Often, 5 = Always. The reliability of the scale was obtained through both Cronbach Alpha (0.78).

Procedure

The researcher got permission from the State Board on research to collect data for the study. The researcher was active investigator in the administration of the instrument which lasted eight weeks. The administration was an on- the-spot exercise, that is, administered and collected at the spot where respondents were met. Out of the entire questionnaire administered, (156) completed entries were found intact and recovered from school administrators concerned in the study.

Data Analysis

Descriptive statistics was used for assessment of knowledge among school administrators. Pearson’s product moment correlation was employed to obtain the relationship between independent and dependent variables, while independent sample t-test was used to obtain estimate of gender difference relative to knowledge of tort.

Results

Table 1: Frequency and Percentage Distribution of Respondents’ information pertaining to their Knowledge of Tort

Items	SD %	D %	A %	SA %	Mean	S. D
I know more about law to help me to practice professionally in the school	14 9.0%	32 20.5%	82 52.6%	28 17.9%	2.99	.93
I am aware of the tort consequences in the school	9 5.8%	24 15.4 %	71 45.5 %	52 33.3%	3.07	.88
I am versatile about the implications of different forms of law	10 6.4 %	25 16.0%	63 40.4 %	58 37.2%	2.92	.85

I understand certain aspect of law sufficiently needed as school administrators	7 4.5%	32 20.5%	66 42.3%	51 32.7%	2.85	.88
I have learnt about rights so as not to violate them	8 5.1 %	26 16.7 %	47 40.5%	15 12.9%	2.51	.91
Weighted mean = 2.868						

Responses to the level of the administrators' knowledge of tort law are as shown in table 1. "I am aware of the tort consequences in the school" (mean =3.07) ranks highest by the mean score rating and is followed by "I know more about law to help me to practice professionally in the school" (mean =2.99). "I am versatile about the implications of different forms of tort law" has the mean score of 2.92 while the next, "I understand certain aspect of law sufficiently needed as school administrators, has a mean score of 2.85. Lastly "I have learnt about rights so as not violate them" ranks the least with a mean score of 2.51. Overall average (weighted mean) is 2.87

Table 2 showing significant relationship between Knowledge of tort law and Infringement of rights

Variable	Mean	SD	DF	N	R	P	Remark
Knowledge of tort law	14.89	2.91	154	156	-.691	.000	Significant
Infringement of rights	14.99	2.72					

The table 2 above showed that there was significant relationship between knowledge of administrator and administrators' infringement of students rights and ($r = -.691^{**}$, $p < .05$).

Table 3 showing significant relationship between Gender difference and Knowledge of Tort

Variable	N	Mean	SD	Std. Error	DF	t-cal	P	Remark
Male	88	14.67	3.19	.34085	154	-1.698	.092	NS
Female	68	15.41	1.88	.22782				

Table 3 shows that there was no significant difference in the between male and female administrator relative to their knowledge of tort $t = -1.698$, $df = 154$, $P > .05$). The null hypothesis is therefore accepted.

Discussion

The findings on research question one revealed that the level of tort knowledge among administrators was fairly good. The result of fair awareness of tort law among administrators is consistent with other findings, Reglin (2009) who gave the areas where educators lacked knowledge of law as including: finance, corporal punishment, and teachers' rights; White (2012) who also found that only 15.9% of administrators scored a 70% or higher on the survey relating to tort knowledge. The need for tort knowledge among administrators has always

been at the forefront of educational policy making. This is because it guides against unlawful conduct and mishandling of issues on discipline in school; both which could potentially lead to litigation. Administrators therefore need to exercise caution especially when they are employing disciplinary means on the students. It can also be said that the knowledge of law and legal rights are helpful in exerting supervisory acts in schools.

The study further underlined a significant relationship between knowledge of tort law among school administrators and infringement of rights. This means that the level of administrators' knowledge of tort law connects to their tendency to infringe on the rights of students. The findings of the study are consistent with other findings such as Ipaye (2010) and Thorn (2015). Ipaye (2010) cautioned that the knowledge of tort law is important because individuals are becoming increasingly conscious of their rights and freedom and any form of infringement may be challenged in the court of law. Thorn (2015) underlined the reason why school personnel must possess knowledge of laws. Law is fundamental to the day-to-day activities in school and serves as a protective mechanism for the risk of liability. The need for school administrators to possess strong knowledge of tort liability is well established in the fact that tortuous cases are becoming rampant in our society. School administrators are becoming wary of teachers' conduct towards students as well as the various happenings in schools.

In this study, gender of the administrator has no significant impact on knowledge of tort law. This shows that either male or female administrators are not better than the other on issues relating to school laws. The finding of the study corroborated the positions of Stapleton, (2005); Power, (2007). For instance, Power, (2007) found that there is no significant difference between principals' test scores on tort law and their gender type. Much implication is raised as little or no aspect of law is taught to school administrators, either male or female, as a part of their professional training. Generally, there is poor knowledge about school and educational law which has contributed gravely to infringement of rights in many schools.

Conclusion

In clear term, if the knowledge of school laws is improved among schools administrators; there is hope that increasing litigation in schools can be reduced to the barest minimum. By implication, an adequate knowledge of law will help to reduce administrators' tendency to commit legal liability. Therefore, any means to reduce the level of litigation arising from educational sphere would require training for school administrators on legal matters. This is very important to improve the standard of education as well as establishing commitment to ensuring that individual rights are safeguarded in Oyo State, Nigeria and in all other African countries.

Recommendations

School administrators are encouraged to seek knowledge of law in order to do what is legally right in their daily operations so as to stay within the legal ambits of law on related school matters. The knowledge of tortuous related offences would help them develop professionally in the area of their leadership oversight because they are also involved in entrenching the rights of students, teachers and subordinates.

The nation's educational policy makers should shoulder the responsibility of incorporating into the country's educational system legal aspects of school laws through consultation with

the legislative arms of government, bearing in mind the intricacies of rights and administrative law to curtail legal tussles emanating from rights.

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