

SCHOOL ADMINISTRATORS' TORT ATTITUDE ON STUDENTS RIGHTS IN SENIOR SECONDARY SCHOOLS, OYO STATE, NIGERIA

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Abstract

The study examined the influence of administrators' tort attitude on students' rights in senior secondary schools in Oyo State. The study employed a survey design on twelve (12) Local Government Areas (LGAs) which were drawn from the six educational zones of the State. The study selected a total of one hundred and forty two (142) administrators (36 principals and 106 vice principals) as participants in the study. The two self-designed instruments used in the study were named: Administrators' Attitude toward Tort Law Scale (AtTL; $\alpha = 0.74$) and Infringement of Students' Rights Survey (IoSRS) ($\alpha = 0.78$). Data obtained were analysed using descriptive statistics, PPMC, independence sample t-test and with level of significance set at 0.05. The result showed that attitude toward tort law among administrators ($\bar{x} = 2.85$) was fair. The AtTL ($r = -0.552$) had significant negative correlation with IoSR; Gender had no significant impact on administrators' Attitude toward Tort Law ($t = -1.845$, $df = 140$, $P > .05$). It was recommended that school administrators should reduce infringement rate through their willingness to train on tort related offences as well as ensure legal principles are put to practice in schools.

Keywords: Administrator; Attitude toward Tort, Tort laws, Civil wrongs in secondary schools, Students' rights, School administrators, Oyo State

Introduction

School as an organisation carries the responsibility of educating students (White, 2012). School administrators are therefore the protectors of schools' values. They are also vested with the task of

upholding the school regulations, orderliness and safety. Like other educators, administrators have their rights and responsibilities. Administrators, like other members of the general public, derive their rights from the universal right law, and state law code. As managers of schools' affairs, they have a total discretion to control the school as they deem fit, as well as set rules and regulations for students and teachers to abide with (Darlow, 2011). On the other side of the coin are the responsibilities of administrators. These responsibilities include the need to be able to identify students, supervision of students within and probably outside regular school hours, promote a protected school condition for students, staff and visitors.

Upon the conducts of the school administrators in the schools, students' rights and responsibilities are breached which potentially infer interpretation of the law. One condition for such row in the school revolves around discipline. From the psychologist point of view, discipline is a reasonable or justifiable self-respect on the need to make and keep up a sheltered, efficient and positive learning condition and to educate as well as create self-control (Bear, 2010). It is also advocated by socialists as a way of ensuring that students receive discipline since it is part of socialisation (Oyedeji, 2012). Students are therefore, found culpable of certain misconducts in the school which, at various times, subject them to being disciplined. Some of these behaviours that induce discipline from the school authority comprise: fighting, bullying, swearing, gambling, spitting, giving insulting remarks, stealing, vandalism, bringing prohibited items to school such as knives, alcohol, acting in a way which keeps learners or staff from having the capacity to work, cigarettes or drugs (Darlow, 2011).

The complexities that exist in behaviours and aspect of schooling make the case for educational law a pressing one. In recent times, it has become a growing trend for students to exhibit unruly, disrespectful behaviour towards their colleagues, teachers and school authorities. Students, although being minors and relatively immune to strict legal punishment, cannot afford but to commit offences in schools and classroom not because it denigrate the right but can potentially invoke graver punishments like suspension for a period of time as well as expulsion from the school. However, administrators who misjudge the context for students' misbehaviour and put the wrong punishment to use underscore a risky ground for litigation. Further

aspect also involves technologies and the use of internet which give the task of teaching students a precarious balance. Administrators' inadequacies in regulating variations of social networking which has both advantageous and harmful effects on students learning tasks underscore an issue of serious punishment and that could hold legal implication (Karen, 2002).

The bane of rights infringement in Nigerian educational system is painful, and its effect is evident on many ills as seen in the nooks and crannies of the country today. The overriding effects are found in poor academic attainment, low enrolment in schools, dysfunctional social functioning, job loss, mental health issue and high mortality rate among others (Country Reports on Human Rights Practices for, 2015). According to the United Nations Educational, Scientific and Cultural Organization [UNESCO] (2017, p.52) "sexual and physical savagery, including flogging by instructors and other staff, is a significant issue in schools in Nigeria". This is more pertinent with estimated occurrence of such ills put at 28% in Nigerian schools (Country Reports on Human Rights Practices, 2015). By consequence, students resort to missing classes, staying away from school exercises, truancy or drop out of school and these have, thusly, affected contrarily on scholarly accomplishment and fulfillment and on future continuing education and prospects of employment (United Nations Educational, Scientific and Cultural Organization [UNESCO] (2017 p.27).

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 a great deal. It is expected that, the administrators have to be proactive in minimizing the possibility of breaching the law (Henderson-Boone, Butler, Coombs and Galway, 2010). The implication is that school actors due to the number of secondary schools, the teeming population of school administrators in government owned schools, problems, challenges, increasing records of physical punishment on students and other related vices relating to torts of different forms having challenging effects on the effective and efficient performance of the school administrators must know about law and rights so that they can stay out of trouble. Administrators 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.

Attitude of school administrators is a factor that influences the infringement of students' rights in secondary schools. It is the disposition and reaction of secondary school administrators towards the tort law. The way school administrators handle the disciplinary problems depends strictly on their attitude towards tort law (Halawah, 2008). The attitude of administrators covers efforts towards avoiding tort liability through their own preparation to reducing infringement occurrence in school. It is good that administrators accustom themselves with books on law especially those related to educational practices. They also have the responsibility to walk up to lawyers and policy makers to demand information on certain aspects of educational laws. In addition, they have the responsibility to provide platform for the teaching staff, non-teaching staff and scholars to know about their responsibilities and rights in schools. This means that attitude towards tort law generally cover the preventive efforts undertaken on infringement in school. As pointed by Darlow (2011: p. 4), "school policies and rules should reflect behaviour expectations laid down by the government (federal or state)". Schools have to take steps on ways to reduce undesirable legal implicating issues in harassment, intimidation, bullying, discrimination that could potentially lead to litigation. These are much achievable by setting up preventive programmes like trainings, seminars and symposia in various capacities to educate the teaching staff, non-teaching staff and students.

School administrators' attitudes toward tort law influence the level of their reaction to students' discipline and infringement of law in the school (Bain, 2010). It is the attitude that makes provisions for what constitutes indiscipline and what does not, as well as the procedure to use in seeking redress (Johnson and Andrew, 2005). The extent to which the law regulates teaching in schools has been demonstrated by Cheng (2011) who notes that school regulations and indeed educational laws do not protect any school administrator who refuses to apply correct or appropriate disciplinary measures when disciplining students or take reasonable care of students. This means that it is the legal responsibility of a school administrator to discipline students and take reasonable concern of students in his or her class. The failure of the

school administrator to carry out the above legal duties in their proper manners makes him/her liable under tort (Halawah, 2008).

Assessing administrators' attitude to tort law became important tool to reducing the incidence of infringements of students' rights. Therefore, the study is of great importance because its outcome can motivate the knowledge that which guide against excessive practices in schools.

Objectives of the Study

The main purpose of this study was to investigate the extent to which administrators' attitude to tort law could influence infringement of secondary school students' rights. The study specifically, aimed at:

- i. ascertaining the level of attitude to tort among school administrators.
- ii. examining the relationships between the attitude toward tort and infringement of students' rights.
- iii. examining gender impact on attitude toward tort law among administrators

Research Questions

- i. Do school administrators have right attitude towards tort among school administrators?
- ii. Is the relationship between the attitude toward tort and infringement of students' rights?
- iii. Does being male or female school administrators' influences attitude toward tort law?

Literature Review

Students Rights

Right is defined in term of those basic rights accorded to individuals in consideration of man's equality, which, have full legal backing such that their violation amounts to legal prosecution. While acknowledging that all persons are born level with in respect and right, Universal Declaration of Rights cited by Ozokwere (2002), broadly stipulate that the declaration tends to defend the privilege to liberty, life, security, of persons and forbids servitude and slavery in all its manifestations, prohibit torture, inhuman or degrading treatment, cruel, punishment,

detention and arbitrary arrest among others, guarantee fair hearing also, open hearing by a free and unprejudiced court, presume innocence for being accused until he is proved guilty and prohibit criminal liability under retrospective, registration or the imposed at the time an offense was conferred, protect the privacy of movement and residence, the privilege to abandon one's own particular nation and to come back to it, secure the opportunity of thought, inner voice and religion, serene gathering and affiliation and certification the privilege irreplaceable of human respect.

In addition, the affirmation additionally recognizes that everybody has obligations to the network to which he has a place whereupon free and full improvement of his identity is conceivable. From the above declarations, one can therefore conclude that individuals, including students, are qualified for regard for the respect of their persons as well as other natural rights including those that relate to their mind, body, chattels, and so on. For instance, LeBlanc (1997) maintained that students have to maintain the rule for classroom interaction. These include attitudes to comply with classroom rules and be respectful to teachers.

Albeit, students are expected to enjoy their rights and freedom, and school administrators and teachers should strive hard to avoid acts capable of infringing on students' rights to avoid litigation. A school administrator could be liable in tort as well as under constitutional and criminal laws for violating any of these students' rights or freedoms. These rights as stipulated in Chapter IV of the Constitution (FRN, 2004) include:

Section 33: Right to life

Section 34: Right to dignity of human person

Section 35: Right to personal liberty

Section 36: Right to fair hearing

Section 38: Right to freedom of thought, conscience and religion

Section 39: Right to freedom of expression and the press.

Section 40: Right to peaceful assemble and association

Section 41: Right to freedom of movement

Section 42: Right to freedom from discrimination

Section 43: Right to acquire and own immovable property anywhere in Nigeria

Section 44: Compulsory acquisition of property.

Section 45: Restriction on and derogation from rights.

Section 46: Special jurisdiction of High court and Legal Aid (pp.18 – 26).

Violation of any of these rights could invariably lead to litigation in two or more laws as government's recognition of students' rights is very evident. In view of these, secondary school administrators and teachers must have students' rights in contemplation while making certain decisions and rules, and while applying disciplinary and control measure to avoid litigation.

Infringement of Students Right

For the most part, schools cannot ensure wellbeing for all understudies while in school. However, schools do have an obligation to give sensible supervision of understudies and keep up the security of the school grounds, particularly since understudies are required to be at school under mandatory participation rules. Demonstrations of viciousness including schools may make school authorities, instructors, or the school board obligated for common harms for those hurt. This risk may emerge from an assortment of conditions and may rely upon moves made (or not taken) by the school itself. Schools might be at risk for common claims, for example, carelessness, as well as cases declaring infringement of an understudy's established rights (ensuring due process and equivalent assurance) and an assortment of social equality claims (Haller and Kleine, 2002).

In loco-Parentis

The guideline is gotten from English law where the Oxford Dictionary of Law (1997) takes note of that in loco-parentis signifies "instead of a parent" and watches that the term is "utilized freely to portray anybody caring for kids in the interest of the guardians, example temporary parents or relatives" (p. 234). The in loco-parentis (instead of the guardians) convention is critical to instructors (Connors, 1981). Most states have statutory arrangements that enable administrators to remain in loco-parentis to the understudies under their watch. While it gives administrators an indistinguishable appropriate to whipping from guardians have, it likewise considers instructors in charge of overseeing understudies similarly as a scrupulous parent would. Fundamentally, in

loco-parentis expects administrators to accommodate the wellbeing, security, and welfare of understudies in a way like that of their folks.

Liabilities of Tort of Negligence from Students' Safety (Breach of in loco-Parentis)

Safety on the School Premises: There are degrees of liability imposed on occupiers of dangerous premises at common law towards different kinds of person that come upon them (Umeano, 2010). In the educational system, the researcher views the school as the occupier and the students are persons with whom they entered into contract. Therefore, the law sets out higher degree of care for the students which adult (school administrators) owe them. The student's entry into the school compound is consequent upon a contract between his parents or guardian and the school (Guaba, 2011).

Safety in the Classroom and in the Field: It is the viewed that assessment of risk in schools be done bearing in mind school health and safety policy and being mindful of injuries (Babalola, 1999). It is important that school administrators should instruct students in safe manner with particular attention paid to such inherently dangerous subjects as sciences, Physical and Health Education, games and technology subjects. The fact that there are inherent hazards in these activities, he maintains, does not by itself absolve the school administrator from legal liability in the event of injury sustained during such lessons or practices.

First Aid/Medical Issues: Provision of first aid treatment is the duty of school administrators in school (in as much as there are students in the school). Umeano (2010), to this end, posits that it is the duty of the school to maintain an efficient and effective first aid box manned by a qualified hand.

Students Supervision: School administrators should supervise the students carefully as if they are the parents, because they act in loco-parentis. Neil (2011) noted that although there is no express imposition of the same obligation as morals by law here, school administrators are expected by law, to take at least the same care of their students as they would if the children were theirs. Break periods and lesson changes are regarded as key times where large-scale movements are made and accidents can easily occur. For a claim on student supervision to succeed, the plaintiff must satisfy the court that:

there was lack of supervision and the lack of supervision caused the accident.

Attitude towards Tort Law

"Attitude" is characterized inside the structure of social brain research as a subjective or mental arrangement for activity. It characterizes outward and noticeable stances and human convictions. Dispositions figure out what every individual will see, hear, think and do. They are established in understanding and do not end up programmed routine direct. Besides, "demeanor" implies the person's overall inclination to react positively or ominously to a question (individual or gathering of individuals, foundations or occasions) (Morris, Maisto, and Whitford, 2008). States of mind can be sure (qualities) or negative (biases).

Attitude is mostly viewed in term of "operacy" or action exerted to a particular situation. It explains the person's overall propensity to react positively or ominously to a question (individual or gathering of individuals, foundations or occasions) (Morris and Maisto, 2005). Attitude toward tort law would therefore mean the effort put by the administrator or students in order to escape any form of infringement. Such efforts would cover giving and up taking moral education to know more about the rights of people so as not to infringe upon their rights vis-à-vis commit tortuous offence in school (Calabresi, 1985). In such, administrators who exert the effort to get awareness of infringement could be said to possess the right attitude. On the other hand, lack of effort to get awareness on tortuous liability amount to wrong or negative attitude. Both right and wrong attitude have implication for schools (Bailey, 2002).

Methodology

The research design adopted for this study is the correlational type of descriptive survey. The population of the study comprises all school administrators in Oyo state. The study adopted multi-stage sampling technique. First, participants were stratified along six educational zones: Ibadan Zone 1, Ibadan Zone 2, Ogbomoso Zone, Oyo Zone, Eruwa Zone, and Saki Zone. In each zone, there are two local governments, making a total of 12 local governments in all the six zones. In the second stage, three (3) schools were randomly selected from each local government, thus, making 36 schools. Finally, purposive

sampling was adopted as all the principals were selected as respondents and their vice principal respectively. In total, 36 principals and 106 vice principals were the participants in the study. The age of administrators ranged from 40 to 60 years with a mean of 56.45 as well as standard deviation of 6.07.

Instruments

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 Attitude towards Tort Law" (AttI). The instrument (AttI) is a 5-item scale with responses based on the four-point Likert rating scale: SA = Strongly Agree; A = Agree; D = Disagree; SD = Strongly Disagree. Some examples of the school tort law questions are:(1) I seek information from legal experts on issues pertaining to school law;(2) I attend seminars and symposia to know more about law (3) I read newspapers or magazine pertaining educational law. The reliability (α) was obtained as = 0.74.

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' threaten to sue a subordinate on criminal ground (2) administrators' convey information on student/staff on the ground of suspicion; (3) administrators' failure to anticipate the danger to a student and enforce security measures. The scale was anchored on the frequency of occurrence, that is, from 1 = Never, 2 = Seldom, 3 = Sometimes, 4 = Often, 5 = Always. The reliability (internal consistency) of the scale was obtained as 0.78.

Procedure of Obtaining Data

Permission was taken from the Oyo State Ministry of Education (data research unit) to collect data for the study. Moreover, five research assistants were recruited and trained for three days and for expending three hours on each day. The training was based on the administration of the research instruments. A local government was covered in a day by both the researcher and the research assistants. The researcher was an active investigator in the administration of the instrument which

lasted for six weeks. All the questionnaires distributed were returned duly filled and in good state.

Data Analysis

Descriptive statistics were used to assess attitude and infringement of students' rights among school administrators. Pearson's product moment correlation was employed to obtain the relationship between independent and dependent variables. Independent Sample t-test was also employed in testing significant difference of male and female tort attitude.

Results

Table 1: Frequency and Percentage Distribution of Respondents' information pertaining to their Attitude toward Tort Law

Items	SD %	D %	A %	SA %	Mean	S.D
I wish to seek information from legal experts on issues pertaining to school law	16 11.3%	13 9.2%	69 48.6%	44 31.0%	2.99	.93
I think my attendance at seminars and symposia will improve my knowledge of tort law	10 7.0%	20 14.1%	62 43.7%	50 35.2%	3.07	.88
I have to read newspapers or magazine pertaining educational law	9 6.3%	31 21.8%	65 45.8%	37 26.1%	2.92	.85
I should attend court cases sometimes to know more about tort law.	12 8.5%	31 21.8%	66 46.5%	33 23.2%	2.85	.88
I should enquire from other administrators on issues pertaining to educational law	22 15.5%	45 31.7%	56 39.4%	19 13.4%	2.51	.91
Weighted mean = 2.87						

Responses on the administrators' attitude to tort law are as shown in table 1. "I think my attendance at seminars and symposia will improve my knowledge of tort law" which has a mean score of 3.07 ranked highest and is followed by "I wish to seek information from legal experts on issues pertaining to school law" which has a mean score of 2.99. "I have to read newspapers or magazine pertaining educational law", with a mean score of 2.92 ranked next, and followed by "I should attend court cases sometimes to know more about law which has a mean score of 2.85. "I should enquire from other administrators on issues pertaining to educational law" which has a mean score of 2.51 ranked the least.

The mean value of the 4-point likert scale is 2.5. Therefore, a careful observation of each item, and using a bench mark of the mid value of the scale, it can be inferred that respondents do have a fair attitude towards tort law.

Table 2: Showing the significant relationship between attitude of tort law and infringement of rights

Variable	Mean	SD	DF	N	r	P	Remark
Attitude towards tort law	14.33	2.95	140	142	-.552	.000	Significant
Infringement of rights	14.74	2.94					

Table 2 showed that there was significant relationship between attitude towards tort law and infringement of students rights and ($r = -.552^{**}$, $p < .05$).

Table 3: Showing significant relationship between gender difference and attitude towards tort law

Variable	N	Mean	SD	Std. Error	DF	t-cal	P	Remark
Male	82	14.3537	3.33	.36826	140	-1.845	.067	NS
Female	60	15.2667	2.20	.28510				

Table 3 shows that there was no significant difference in the between male and female administrator relative to their Attitude towards tort law ($t = -1.845$, $df = 140$, $P > .05$). The null hypothesis is therefore accepted.

Discussion

Research Question One: Do school administrators have right attitude towards tort among school administrators?

The findings on research question two revealed that majority of the administrators' respondents have fair attitude towards tort law. The result of responses of respondents on Administrator Attitude towards Tort Law Survey was used to answer research question two. The response of most of the administrators showed that many of them do not exert much needed efforts to know about legal codes in school. The result is consistent with other findings such as Goering (1999) and Dalby (2013) who submitted that a substantial relationship exists between educators' attitude to tort law and tortious liability. It is imperative that school administrators exert efforts into seeking information on legal issues pertaining to schools. With strong attitude, administrators will be strong-willed and determined to understand certain codes of the law better so as not to fall victims of legal liabilities that are becoming common place in schools.

Research Question Two: Is the relationship between the attitude toward tort and infringement of students' rights?

There was also significant relationship between administrators' attitude towards tort law and infringement on rights. The study corroborates other findings, Goering (1999), Hart (2006) and Dalby (2013). Goering (1999) found a significant relationship between educators' attitude to tort law and tortious liability. To him, administrators or teachers as public employees must encounter the complexities of tort law everyday whether they realize it or not. He maintained that unless administrators as public employees develop a professional attitude of legal awareness through learning experiences, the intense problems of educational management and control will become critical. Dalby (2013) submitted that the standards of care should be found for teachers and school authorities, the causation is difficult but not impossible to find, and that

damage may be mental harm with economic consequences or pure economic loss. The importance of administrators' and school personnel's attitude towards legal issues from educational circle is believed to enhance the value of the system itself. Positive attitude towards tort law may be effective in ameliorating issues on negligence, malpractices, punishment and detention among others which have constituted important concerns in regard to meddling among students and that which also extend to the prerogative power to punish them for their misconducts.

Research Question Three: Does being male or female school administrators' influences attitude toward tort law?

The last objective sought to define the influence of gender on attitude toward tort law. The study obtained no difference exists for either male or female on their attitude. The finding of study contradicted other research positions, example Madzar (2001); Jones (2002); Pielski (1998). For instance, Jones (2002) established that Ladies administrators have a tendency to be more open in their perspectives as to subordinates. Pielski (1998) asserted that ladies take part in more group constructing and are more participatory leaders in schools. However, the study found support in Grojan and Andrews (2002) on accord of his investigation that men and women do not differ in their tendency to educate or instill knowledge that could better their schools. It is plausible to note that women are fast taking up leadership responsibilities than before. This has afforded them more experience to avoid and handle critical cases that pertain to legal issues in schools.

Conclusion

It was concluded that 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.

Recommendations

School principals need to foster or moderate the use of punishment as a means of correcting misconducts. It has been observed that as far as disciplinary problems are concerned, teachers as educators are advised

to approach students' misconducts with a corrective measure devoid of punitive actions. Corporal punishments are expected to be used as last resort only when corrective means have failed.

School administrators should be exposed to training relating to tort law, while offending school administrators should be duly punished. The administrators should further use their knowledge to guard teachers since they are liable to issues that concerns indiscipline in their various schools.

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