



# PROTECTION OF TEACHERS RIGHT TO FAIR HEARING AND ROLE PERFORMANCE OF MANAGEMENT IN STATE UNIVERSITIES IN NORTH WEST ZONE, NIGERIA

**MUSA, Bello**

Department of Educational Foundations, Faculty of Education, Sokoto State University, Sokoto

**KABIRU GARBA Ph.D**

Zonal Education Officer, Goronyo Educational Zone, Sokoto

**Abstract:** *The study investigated the relationship between protection of teachers right to fair hearing and role performance of management. The research designed for this study was correlational type. The population for this study comprised all academic staff and their principal officer which amounted to 2,674 as the total population for the study. The sample size selection of 333 out of 2,674 was based on Research Advisors table for determining sample size. Simple random sample and proportionate sample was used for the study. Two instruments were used for data collection titled: Protection of Teacher Right Questionnaire (PTRQ) which was adapted from Manga (2022) and Role Performance of Management Questionnaire (RPMQ) which was self-designed questionnaire. The instruments were validated by expert in educational management from Faculty of Education and Extension Services, Usmanu Danfodiyo University, Sokoto. The reliability of the instruments was obtained through test-retest method and reliability indexes of 0.86 and 0.75 were obtained respectively. The data was analysed using descriptive and inferential statistics. The study found that there is significant relationship between protection of teacher right to fair hearing and role performance of management in state universities in north western zone, Nigeria. Therefore, the study concluded that protection of teachers' right is prerequisite of their productivity. The study recommended that university management should make a fair hearing as fundamental element of the idea of rule of law and make use of due process theories in their administration practices this will make staff have confidence in their decision making.*

**Keywords:** *Protection, Teacher, Right, Fair Hearing and Role Performance of Management.*

## Introduction

Protection of teachers' right to fair hearing was clearly defined in Chapter IV, section 36 of the 1999 constitution of the Federal Republic of Nigeria as amended in 2018 which stated that in the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality. The entrenchment of human rights provisions in Nigerian Constitutions was aimed at creating a society that protects political freedom as well as the social and economic well-being of Nigerian citizens (Wey-Amaewhule, 2018). Educational administrators are expected to ensure that the rights of teachers to fair hearings are properly protected; no teacher is assumed to be guilty of an offense unless proven otherwise; be properly informed of his offense; be given adequate time to prepare for his defense; be informed of his accusers and be allowed to cross-examine them; present his witnesses and be given fair sentence (Manga, 2018). Teachers deserve to be protected from harm both within and outside the university community. University Administrators are expected to ensure that the safety and welfare of their staff is their priority in administration.

A fair hearing is a fundamental element of the idea of the rule of law and the theory of due process and the rule of law are basic to the protection and promotion of human rights (Emmanuel, 2021). It also entails ensuring that disciplinary committee shall be properly constituted; is neutral; members are morally upright and technically qualified (Hamilton, 2010 & Hornby, 2015). Teachers should be served with copy of the trial; be allowed to be represented by counsel if need arises; and be given the right to appeal if they are not satisfied with the judgment (Manga, 2018). Fuller (2009) believes that protection of teachers' right to fair hearing could impact positively on national cohesion in any country of the world. Manga (2019), suggested that, the formality of hearing should vary with the severity of the punishment to be inflicted or the enormity of the rule infringed. In the school system, fair hearing should not be limited to the activities of the school's disciplinary committee. Rather it should cover all areas of control.

The theoretical basis for this study was based on interest theory of human right. This theory was proposed by philosopher John Finnis in 1980. Finnis (1980) proposed that human rights are justifiable on the grounds of their instrumental value for securing the necessary conditions of human well-being in society. He and his advocates argued that the principal function of human rights is to protect and promote certain essential human interests. These interests are the principal ground upon which human rights may be morally justified. This can be connected with the identification of the social and biological prerequisites that lead to a minimally good life. Therefore, the universality of human rights is grounded in what can be considered as basic, indispensable, attributes for human well-being, which all of us are deemed necessarily to share, for example, personal security. This interest requires the derivation of other rights that are prerequisites to security, such as the satisfaction of basic nutritional needs and the need to be free from arbitrary detention or arrest.

To this end, this theory provides a powerful defense of the doctrine of teachers' fundamental human rights. Its highest advantage is appealing to teachers' commonality, to those attributes they share, and, in so doing, offers a relatively broad-based defense of the plethora of human rights considered by many teachers to be fundamental and inalienable. It also provides for the possibility of resolving some of the potential disputes that can arise over the need to prioritize some teachers' fundamental human rights over others. This can be done by hierarchically ordering the corresponding interests identified as the specific object, or content, of each right.

However, Manga (2022), conducted study on the assessment of managerial strategies for protection of right to life, dignity of human person, right to personal liberty and right to fair hearing in Universities in Kebbi State, Nigeria. A descriptive survey design was used for the study. The population of the study comprised of students, staff and management staff of the Kebbi State University of Science and Technology and Federal University Birnin Kebbi. Stratified, deliberate and simple random sampling techniques were used to select 300 participants out of the total population of 1, 450 from two Universities. A self-designed and validated instrument title: Managerial Strategies for Protection of Human Rights Questionnaire (MSPHRQ) was used to collect data. The five-point instrument with 31 items and four sections was pilot tested using test, re-test method using Pearson Product Moment Correlation Co-efficient which yielded correlation index of 0.86 at 0.5 level of significance. Simple frequencies, percentages and means rating were used to analyze the data. The study found that, the application of managerial strategies for protection of fundamental human rights in Universities in Kebbi State was rated as highly satisfactory although there were lapses that needed to be addressed. It was recommended that to protect lives, more emphasis should be given to security measures. To protect dignity of the human person, condition of service and human relations should be improved upon. Staff and students should be enlightened on their rights in case of illegal arrest and detention for protection of their personal liberty. Accused persons should be given adequate time and facilities to defend themselves.

This study is highly related to the current study because the focus area of the study is on the assessment of managerial strategies for protection of right to life, dignity of human person, liberty and

fair hearing in Universities in Kebbi State, only while the current study intends to investigate the relationship among protection of teachers right to fair hearing and role performance of management in State Universities in North Western Zone, Nigeria and the populations of the two studies are difference in size the previous study focus on only one state while current study is intend to cover the whole State Universities in the North West, Nigeria.

### **Statement of the Problem**

A quit number of academic staff were accused for an allegation which led to their dismissal from the universities but many of them were reinstated by court due to improper fair hearing in the process. However, it is disheartening on the side of management of the universities that several cases of rights abuse were trailed in favour of lecturers of the universities in Nigeria. For example, the National Industrial Court in Ibadan, Oyo State, ordered the reinstatement of Dr. Oladoyin Odebowale who was dismissed by the University Council on 6<sup>th</sup> December 2016 for criticizing the institution for its alleged worsening infrastructural decay and tolerance for plagiarism among its lectures. The Judge made an order to reinstate the claimant to his position as Lecturer I with full entitlements (Premium Time, 30<sup>th</sup> November, 2021) because his rights were abused by the management of the university. The National Industrial Court in Ekiti also reinstated Dr. Olade Aduwo who was dismissed by the University Council in December 2019 over an alleged sex scandal without proper proof of the scandal. The judgment was delivered on 8<sup>th</sup> February 2023 in favour of the claimants, also the National Industrial Court in Adamawa had ordered the Modibbo Adama University of Technology, Yola to reinstate Dr. Saidu Adamu with immediate effect and ordered payment of all his entitlement. Dr. Saidu Adamu was dismissed by the university council in July 2015 and was reinstated on 10<sup>th</sup> March 2022 after the court judgment (Ibrahim, 2022).

### **Objectives of the Study**

The objectives of this study include the following:

1. To ascertain the relationship between the protection of teachers' right to a fair hearing and role of performance of management in State Universities in north western zone, Nigeria.
2. To find out the level of performance of management in state universities North Western Zone Nigeria.

### **Research Questions**

This research hope to provide answer to the following research question:

1. What is the extent of protection of teachers' right to fair hearings in State Universities in north western zone, Nigeria?
2. What is the level of performance of management in state universities North Western Zone Nigeria, Nigeria?

### **Research Hypotheses**

The following Hypothesis was tested:

H<sub>01</sub>. There is no significant relationship between protection of teacher's rights to fair hearing and role performance of management in State Universities in North Western Zone, Nigeria.

### **Research Methodology**

The design for this study was correlational type. The design consists of a simple association or relation between or among the variables (Creswell, 2012). The population of this study comprises all the state universities which are eight (8) in the North Western Zone, Nigeria. There were 2,392

academic staff and 282 principal officers with different qualifications and ranks. This gives us 2,674 as the total population of the participants. Proportionate and random sampling techniques were used in selecting 333 participants out of 2,674 which was based on Research Advisor (2006) table for determining sample size. To collect the data for this study two sets of questionnaires which one was adapted from Manga, (2022) titled: Protection of teacher rights questionnaire and Role of Performance of Management Questionnaire (RPMQ) which was self-designed questionnaire, were used to collect data for this study. The questionnaires were structured in such a way that it requested the participant to tick relevant option from the given five (5) point likert scale as Very High Extent 5 points; High Extent 4 points; Moderate Extent 3 points; Low Extent 2 points; and Very Low Extent 1 point.

The instruments were validated (content and construct validity) by team of experts in Educational Management from Faculty of Education and Extension Services Usmanu Danfodiyo University, Sokoto. The reliability of the instruments was obtained through test and re-test method and reliability index 0.86, 0.75 were obtained respectively. The responses to the questionnaire were collected and processed. The researcher employed descriptive and inferential statistics to analyse the data. Mean score was used to answered the responses of the participants to the research questions with the decision mean at 3.0 indicating moderate extent of agreement. While any mean score below 3.0 was considered as low extent of agreement. Pearson Product Correlation Co-efficient was used to test hypothesis. The data were processed with the use of Statistical Package for Social Science (SPSS).

#### **Data Presentation and Analysis**

The results are presented in tabular forms and interpreted using descriptive and inferential statistics. Mean scores were used in answering all research questions. While inferential statistics was used in testing all null hypotheses of the study.

#### **Research Question One**

What is the extent of protection of teachers' right to freedom of fair hearing in State Universities in North Western Zone?

The respondents' responses on research question four was related to items 38-48 of section (D) of the protection of teachers rights questionnaire and all responses were collected, analyzed and presented in Table 1.

**Table 1: Extent of Protection of Teacher’s Right to Freedom of Fair Hearing in State Universities in North Western Zone of Nigeria.**

SN	Item Statement	Mean	Std. Dev	Decision
1	University management ensure that teacher accused or charged with any offense shall be presumed innocent until proven guilty	3.30	0.62	ME
2	Management ensures that every teacher is entitled to a fair hearing and is given the opportunity within a reasonable time	3.21	0.52	ME
3	Every teacher accused is informed of the nature of his offense in the language that he understands	4.51	1.09	HE
4	The management ensures that the disciplinary committee set up to try the teacher is independent and impartial in its activity	4.46	1.27	HE
5	The management ensures that every teacher charged with an offense is given adequate time and facilities to prepare for his defense	4.57	1.15	HE
6	Management ensure that teacher is allowed to defend himself in person or a legal practitioner of their choice	3.15	1.10	ME
7	The accused teacher shall be allowed to examine the witnesses brought against him and for the teacher witnesses to be examined	3.12	1.06	ME
8	Management ensures that the committee keeps records of the proceedings and that the accused teacher is entitled and served with copies of the judgment within seven days of the conclusion of the case	3.21	0.52	ME
9	No teacher shall be convicted of an offense that is not defined and its penalty prescribed in a within the law	3.20	0.79	ME
10	Management ensures that no teacher shall be tried for an offence for which he has been previously tried or pardoned	3.30	0.75	ME
11	Management shall ensure that no penalty shall be imposed on any offense heavier than the penalty in force at the time the offense was committed	3.30	0.62	ME
	<b>Weighted Mean <math>(\bar{x})</math></b>	<b>3.58</b>	<b>0.86</b>	<b>ME</b>

Source: Field Work (2023)

N=333, Cut off Mean=3.00

VHE= Very high Extent

HE= High Extent

ME= Moderate Extent

LE= Low Extent

VLE= Very Low Extent

The responses in Table 1 reveal that the respondents indicated average affirmation of that protection of teachers' right to fair hearing which is at a moderate extent with a weighted mean of 3.58. This is evident by a confirmed response of item one of the table University management ensures that the teacher accused or charged with any offence shall be presumed innocent until proven guilty at a 3.30 mean score which is a moderate extent. Item two of the table revealed that Management ensures that every teacher is entitled to a fair hearing and is given the opportunity within a reasonable time is at 3.21 mean score which is a moderate extent. Item three of the table shows that Every teacher accused is informed of the nature of his offense in the language that he understands is at 4.51 mean score which is a high extent. Item four of the table the management ensures that the disciplinary committee set up to try the teacher is independent and impartial in its activity is at 4.46 mean score which is a high extent. Item five of the table shows that the management ensures that every teacher charged with an offense is given adequate time and facilities to prepare for his defense at a 4.57 mean score which is a high extent.

Item six of the table indicated that Management ensures that the teacher is allowed to depend himself in person or by a legal practitioner of his choice is at a 3.15 mean score which is a moderate extent. Item seven of the table shows that the accused teacher shall be allowed to examine the witnesses brought against him and for the teacher witnesses to be examined is at 3.12 mean score which is a moderate extent. Item eight of the table shows that Management ensures that the committee keeps records of the proceedings and that the accused teacher is entitled and served with copies of the judgment within seven days of the conclusion of the case is at 3.21 mean score which is moderate extent. Item nine of the table indicated that No teacher shall be convicted of an offense that is not defined and its penalty prescribed within the law is at 3.20 mean score which is moderate. Item ten of the table revealed that Management ensures that no teacher shall be tried for an offense for which he has been previously tried or pardoned at a 3.30 mean score which is a moderate extent. Item eleven of the table shows that Management shall ensure that no penalty shall be imposed on any offense heavier than the penalty in force at the time the offense was committed is at 3.31 mean score which is a moderate extent. This indicates that state Universities in the North western zone of Nigeria to a moderate extent of protection of teachers' rights to freedom of fair hearing.

### Research Question Two

What is the level of performance of management in state universities North Western Zone Nigeria? The respondents' responses on the level of performance of school administrators in state universities in North Western zone Nigeria is presented in Table 2.

**Table 2: Level of Performance of School Administrators in State Universities in North Western Zone of Nigeria.**

S/N	Item Statement	Mean	Std. Dev	Decision
1	Management in my university have set goals for protection of teachers rights and enhancement of their productivity	2.90	0.85	LE
2	Management has documented rules and regulations for protection of teachers rights and ensuring managerial effectiveness	3.33	1.40	ME
3	Management set up disciplinary committee for maintaining law and order and good conduct	3.74	1.52	ME

4	Management has Examination Monitoring Committee to ensure that teachers give quality supervision of students during examinations	3.89	0.57	ME
5	Management clearly state the terms of reference to guide the action of individuals and various authority for protection of teachers rights	2.78	1.21	LE
6	Management appoints a chairman for each committee to lead and direct the activity of each committee	3.98	1.33	ME
7	All faculties, departments and units are pursue uniform goals of protecting teachers rights and ensure their managerial effectiveness	2.98	0.67	LE
8	Management ensure that all faculties, departments operate with synergy toward identifying and addressing challenges on protection of teachers rights and ensuring teacher productivity	2.17	1.45	LE
9	Management ensure that Deans, Directors, Head of Departments supervised the activities of committees and individuals towards protecting the rights of teachers and maintaining teacher productivity	3.40	1.76	ME
10	Management ensure that Directors, Deans, Head of Departments motivate, guide, mentor and evaluate the activities of staff, committees and teachers towards enforcement of teachers rights and higher productivity	4.11	1.38	HE
<b>Grand Mean (<math>\bar{x}</math>)</b>		<b>3.32</b>	<b>1.14</b>	<b>ME</b>

Source: Field Work (2023)

Table 2 reveals that the respondents indicated strong confirmation that there is moderate extent in the level of effectiveness of school administrators. This is evident by an affirmed response of item one of the table indicated that low extent with 2.90. The item two, three and four of the table indicated the moderate extent with 3.33, 3.74 and 3.89, respectively. The item five of the table shows 2.78 mean score which is low extent. Item six indicated 3.98 which is moderate extent. Item seven and eight indicated low extents with 2.98 and 2.17 respectively. While item nine of the table shows the mean score of 3.41 which is moderate extent. Item ten of the table indicated 4.11 which is high extent.

### Hypotheses Testing

Three null hypotheses formulated were tested below:

#### Null Hypothesis One

**H<sub>01</sub>** There is no significant relationship between the extent of protection of teacher's right to fair hearing and role of performance of management in State Universities in the North Western Zone, Nigeria.

H<sub>01</sub> related to item 38-48 of section (D) of protection of teachers rights questionnaire and also item 1-20 of section (A) of role of performance of management questionnaire. This hypothesis was tested by subjecting the protection of teacher's rights to freedom of fair hearing and role of performance of management scores to a Pearson r-test analysis as shown in Table 20.

**Table 20: Relationship between Protection of Teacher’s Rights to Freedom of Fair Hearing and Role of Performance of Management.**

Variables	N	Mean	Std. Deviation	r-Cal	p-Value	Decision
Freedom of Fair Hearing	333	35.13	10.352	0.284	0.000	Hypothesis Rejected
Role Performance of Management	333	73.68	11.724			

Source: Field Work, (2023)

From the result of Table 20, teachers’ rights to freedom of fair hearing and role of performance of management were positively related and significant,  $r(331) = 0.284$ ,  $p = 0.000$ . This indicates a significant relationship between teacher’s rights to freedom of fair hearing and role of performance of management because the  $p$ -value is less than the 0.05 level of significance. Therefore,  $H_{01}$  which states that there is no significant relationship between teacher’s rights to freedom of fair hearing and role of performance of management was rejected. The study discovered that the protection of teachers' right to a fair hearing is an indicator of performance of management in state universities in north western Zone, Nigeria.

**Summary of the Findings**

Based on the research findings, the following findings are summarized:

1. Therefore, the study discovered that the protection of teachers' right to a fair hearing is an indicator of role of performance of management in state universities North western Zone, Nigeria.
2. The study revealed that the level of performance of management was at moderate extent in state universities North Western zone, Nigeria.
3. There is a significant relationship between the protection of teachers' right to a fair hearing and role of performance of management in State Universities North Western Zone, Nigeria ( $p = 0.000$ ).

**Discussion of Findings**

This section intends to discuss the findings of this study in relation to the findings of previous studies one after the other as follows:

The fourth finding indicated that the protection of teachers' right to a fair hearing is an indicator of role of performance of management in state universities in Northwestern Zone, Nigeria. This is in line with the constitutional requirement of the Federal Republic of Nigeria (1999) constitution. However, the participants pointed out that there are still cases where an accused teacher is not properly informed of his offense; is presumed guilty even before trial; is not given copies of the trial, and is victimized further if he appeals against an unjust ruling. However, the finding is also in line with Fuller (2009) who reported that the protection of teachers’ right to fair hearing could impact positively national cohesion in any country of the world. Both the studies agreed that giving teachers fair hearing would make justice to be established in an organization. However, it will sanitize the university system for systematic and logical operations. Moreover, the finding is supported by Alexander, (2008) who reported that educational managers should ensure that no teacher is assumed to be guilty unless proven otherwise; be properly informed of his offense; be given adequate time to prepare for his defense; be informed of his accusers and allowed to cross-examine them; present his witnesses and



be given fair sentence. Consequently, the finding is also supported by Manga, (2018) who reported that positive measures to protect teachers' right to fair hearing in order to ensure national cohesion be taken. Among the measures to be taken is to ensure that teachers are given a fair hearing without discrimination, within a reasonable time, and that members of the disciplinary committees to handle cases be drawn from men and women who are morally upright, neutral, and qualified to give a fair judgment. However, the finding is in line with Chianu in Manga (2018) who reported that the formality of the hearing should vary with the severity of the punishment to be inflicted or the enormity of the rule infringed. In the school system, the fair hearing should not be limited to the activities of the school's disciplinary committee.

The tenth finding revealed that teacher productivity is more related to role of performance of management than the protection of teachers' rights in state universities Northwestern Zone, Nigeria. The finding is in line with Chepkonga (2015) who discovered that managerial effectiveness plays a significant role in ensuring the continued existence, development, and adaptableness of organizations and that it is the major issue in the administration because every organization desires to achieve the target goals effectively and efficiently. Therefore, the finding is supported by Nwokocha and Hafsat, (2020) who reported that an effective university system depends on the productivity of teachers for the realization of its mission, vision, and target goals. Consequently, the finding agreed with Sonnentag, Volmer, and Spsychala, (2010) who revealed that the level of performance of teaching staff and non-teaching staff could determine the performance of the university and could also determine the level at which the university's target goals are achieved or accomplished.

### **Conclusions**

This research investigated the relationship among the protection of teachers' rights, teacher productivity, and role of performance of management. The fact remains clear that the protection of teachers' rights is not a yard stick for teacher productivity and role of performance of management but, when teachers feel safe and well protected it will boost their productivity which maybe one of the yard stick for measuring the role of performance of management of the university. However, findings revealed that the extent to which teachers' rights are protected was moderate and this affects their productivity. Therefore, the protection of teachers' rights needs to be improved to some high extent for the university management to be more effective in carrying out its administrative activities.

### **5.4 Recommendations**

The study made the following recommendations which include:

1. University management should make fair hearings a fundamental element of the idea of the rule of law and the theory of due process in their administration which will give staff confidence in their decision-making
2. University management should understand that it is only when teachers' rights are protected should they be productive and this may result in the achievement of the university's educational goals both nationally and internationally.

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