

PERCEIVED CAUSES OF STUDENTS' LITIGATIONS AGAINST MANAGEMENT OF HIGHER INSTITUTIONS IN RIVERS STATE

Samuel O. Nwafor^{†††}
University Of Port Harcourt
NIGERIA.

Chinda N. Nnokam
University Of Port Harcourt
NIGERIA.

ABSTRACT

This study investigated students' litigations against the management of higher institutions in Rivers State. The descriptive survey design was adopted. Three research questions were posed for this study. The proportional stratified random sampling was used in the selection of 6,288 respondents from a total population of 16,943 consisting of students, staff and management of three higher institutions in Rivers State. A structured questionnaire titled "Litigation and the management of Higher Institutions in Rivers State" (LATMOHIRS) validated with cronbach alpha reliability index of 0.85 was administered. Six thousand two hundred and eighty eight (6,288) copies of questionnaire was administered and retrieved for analysis. The data collected were all coded and entered into the computer, analyzed using statistical package for social science (SPSS). Document analysis was also used to collect needed data. Mean and standard deviation were used to answer the research questions. Consequently, the following findings were made. The causes of student's litigations in higher institutions include: abuse of students fundamental human rights by the authorities, expulsion of students, and seizure of students examination results among others. The impact of litigations on management includes delay in taking administrative decisions, erosion of the autonomy of higher institution and instability of academic programmes. It was therefore recommended that the school authorities to exhaust the due process of law in the adjudication of internal dispute and allegations within higher institutions.

Keywords: Litigation, management, higher education

INTRODUCTION

There is presently a growing realization that developmental goals and objectives could be facilitated in an organizational set up. This is due largely to the fact that individual efforts are harnessed and harmonized within an organizational framework to achieve individual and societal needs, aspirations and goals. However, modern institutions have been specialized to support and sustain human developmental efforts in the social, political economic and cultural endeavors. To achieve the organizational goals and objectives, each institution is established and empowered by certain status or communal laws, edict, rules and regulations. By implication, whatever the pronouncement of such laws and edicts may be, they are aimed to guiding both their internal operations in respect of its individual members and subsystems in one hand and its relationship with external institutions on the other.

However, an organization in operation under an enabling law or edict is conferred with the authority to stipulate its internal rules and regulations. Such rules ensure that it maintains an equilibrium, growth, meet different needs of the system and the individual members as well as other institutional bodies outside it and the nature of service it renders to the society.

But as the organization is constantly involved with the various aspect of its internal environmental impacts, different and conflicting demands may arise which invariable could bring about the need for coordination, adjudication, reconciliation and change in decisions aimed at achieving a new balance and working structures. Various organizations carry out the above process within the confines of the management machinery. But as individuals possess vested interest, they tend to seek better interpretation of the law in the light of their predicament from courts and other legal bodies since the law warrants that an organization can be sued or may sue anyone in any event that threatens its

^{†††}Samuel O. Nwafor, University Of Port Harcourt, NIGERIA, snwafor95@yahoo.com

survival and existence. This has been expressed in recent times through all forms of litigations in corporate organizations including institutions of higher learning in various countries of the world (Nwafor, 1998)

Koko (1998) that if amicable settlement failed a dispute may be settled or disposed of through litigation, referees intervention or arbitration. Of the three, litigation has gained increasing popularity due largely to the fact that the entire weight of the judiciary with due process of law is brought to bear on the parties concerned. Furthermore the decision of the court is binding on the parties concerned.

In Nigeria, as in other countries, institutions of higher learning are at the apex of the educational level and involves the universities, polytechnics, colleges of education/ arts and science/ technology, school of agriculture, school of forestry, nursing schools and other institutions offering diploma and certificates beyond secondary school level. The aims and objectives of education in institutions of higher learning according to the Federal Government of Nigeria (2004) in the National Policy on Education are:

- a. The acquisition, development and inculcation of the proper value orientation for the survival of the individual and society.
- b. The development of the intellectual capacity of individuals to understand and appreciate their environments;
- c. The acquisition of both physical and intellectual skills which will enable individuals to develop into useful members of the community.
- d. The acquisition of an objective view of the local and external environment.

In pursuance of these goals, institutions of higher learning carry out teaching, research; dissemination of existing and new information, the pursuit of service to the community, and being a store house of knowledge.

To perform this laudable and essential function, institutions of higher learning in Nigeria apart from the laws establishing them are endowed with certain statutes and power conferred on its management bodies such as: the council, the finance and general purpose committee; senate, congregation, convocation, committee of provosts and deans of teaching units.

In institutions of higher learning, the two major policy making organs are the governing council and senate. The governing council is concerned with policy and financial matters. While senate deals with all academic matters arising from the departments and faculties. However, the above two supreme decision making bodies utilize different committees whose recommendations are forwarded to them for ratification and subsequent approval. The use of the instrument of committee in the management and administration of institutions of higher learning is ideal since it instigates prompt action, thoroughness and express discharge of function for the achievement of overall goals of higher education in Nigeria. Furthermore, management sets up lower bodies that are empowered to study issues more critically before making recommendations to the higher bodies for final decision. Such lower bodies could be located at the department and faculty levels.

Apart from the policy making aspect of governance in institutions of the higher learning, the decision making function is significant and duly provided for by laws and edicts and remain a challenging function in institutional administration and management. This administrative function is bestowed on the principal officer and their supporting staff the vice Chancellor, Deputy Vice-Chancellors (Academic/ Administration, Bursar, Registrar, Deans and Heads of Department. They are required not only to cooperate in the performance of their administrative functions but also make intelligent decisions on important critical policy issues that affect staff and students. However, some critical decisions in the institution of higher learning are taken in consultation with the visitor of the institution which by the provision of the Decree or Edict establishing the institution the Head of the Federal Republic of Nigeria or the Governor of the State is usually named as visitor to the Federal or State institution respectively.

From all indications, the above authority and management structure confer on the institutions of higher learning the uniqueness and capability to handle all matters relating to its subjects with no recourse from outside interventions. This is in view of the fact that all student matters (welfare, discipline and

academic) issues relating to staff in the areas of recruitment, appointment, promotion, remuneration, welfare, staff development and discipline fall within the ambit of the administration. But often times, some of the issues bordering on laws, edicts and statutes are considered by committee of individuals before decisions are reached.

Notwithstanding the above efforts, present trend in Nigeria institutions of higher learning indicate an increasing rate of litigations and counter suits. Especially as everybody including the management are becoming increasingly aware of their rights and privileged under the law. Consequently, staff and students are challenging the activities of their employers and management. They are asking for more rights and freedom in the affairs of the institutions of which they belong. As a result, management powers and authority to affect necessary discipline on members of staff and student is in recent times been subjected to intense cross examination and contention in law courts. Consequently, the privilege and autonomy status of institutions of higher learning in Nigeria is diminishing steadily thus drawing the courts and administration of institution of higher learning into unnecessary bond and antagonism.

Therefore, there is an urgent need to identify the perceived causes of students' litigations against management of higher institutions in Rivers State.

STATEMENT OF PROBLEM

The problem of this study is the rampant litigation and counter suits by students and staff against management of institutions of higher learning which imperatively has led to the erosion of the dignity and stability to which institutions of higher learning have in the past been known. Courts involvement in the internal affairs of institutions of higher learning has resulted to general restrictions of the powers of governing boards of colleges and universities and a general expansion of the rights of students and staff.

PURPOSE OF THE STUDY

The study is aimed at identifying the causes of litigations against the management of institutions of higher learning. Specifically, the study is designed to:

- a. Assess the trend of litigations in the institutions of higher learning.
- b. Identify the causes of students' litigations against management of higher institution.
- c. Assess the impact of litigations on the management of higher institutions in Rivers State

Research Questions

The following research questions guided the study:

- a. What is the trend of litigations in institutions of higher learning in Rivers state?
- b. What are the perceived causes of students' litigations against the management of higher institutions in Rivers State?
- c. What is the impact of litigations on the management of higher institutions in Rivers State?

METHODOLOGY

Research Design

The design of this study is a descriptive survey in which data were gathered through structured questionnaire and document analysis to answer the stated research questions.

Population

The population of this study consisted of three Universities in Rivers State (University of Port Harcourt) Uniport), Choba, Rivers State University of Science and Technology (RSUST) Nkpolu, Oroworukwo and Rivers State University of Education (RSUOE), Rumuolumeni). The participants included the vice chancellors, Deputy vice Chancellors, Registrars, Bursars, Directors, Deans, Heads of Department, Members of Staff (Academic and Non Academic) and final year students in the three universities in Rivers State. The total population is therefore 16, 943 (Uniport= 7781, RSUST = 5,620 and RSUOE = 3662 respectively.)

Sample and Sampling Techniques

The sample size was composed through proportionate random selection of 6,288 participants drawn from the three Universities in Rivers State. The sample consisted of 3,600 final year students, 2,670 Academic staff, 1422 Non- Academic staff and Eighteen (18) management staff (using the Sekaran 2003 Table for determination of sample size for a given population.)

Instrumentation

The instrument for this study consisted of a structured questionnaire and document analysis. The 49 item instrument called 'Litigations and the management of Higher Institutions in Rivers State (LATMOHIRS) is made up of two sections (A and B). Section A contained the demographic information of the participants while section B contained the 49 questionnaire items which covered the areas of students' litigation against management of Higher institutions in Rivers State.

Section B was also structured on a modified four (4) point likert- type rating scale of strongly Agree (SA) = 4 points, Agree (A) = 3 points, Disagree (D) = 2 points and strongly disagree (SD) = 1 point respectively.

The instrument developed by the Researchers was validated and pilot tested on 30 students and 30 members of staff who did not participate in the main study. Data collected from the pilot study were used to compute a reliability coefficient of internal consistency of 0.846 using cronbach Alpha method for the entire instrument.

Administration of Instrument

A total of 6,228 copies of questionnaire were administered to the participants in the three Universities in Rivers State. All the copies (100%) were retrieved and used for data analysis.

Method of Data Analysis

The collected data were scored on a four points Likert scale. The mean statistics and standard deviation were used to answer the research question. The cut- off mean is 2.50

Thus any item in which the respondents have a mean of 2.50 and above is regarded as agreed, while items with mean scores less than 2.50 are regarded as disagreed.

RESULTS

The data and results of each of the research questions are presented on the following tables.

Research questions 1

What is the trend of litigations in Higher institutions of learning in Rivers State?

Table 1.Number of Cases in each institution from 2005- 2010

<i>Year</i>	<i>Uniport</i>	<i>Ust</i>	<i>Uoe</i>	<i>Total</i>
2005	10	5	1	16
2006	13	4	1	18
2007	15	10	2	27
2008	15	13	4	32
2009	16	25	7	48
2010	25	28	13	66
TOTAL	98	85	28	207

The table one shows the trend of cases in higher institution in Rivers state. As can be seen, University of Port Harcourt has the highest number of cases. But from 2005- 2008, while university of education has the least number of cases. But from 2009 to 2010, Rives State University of Science and Technology recorded the highest number of cases.

Research question 2

What are the perceived causes of students?

Litigations against the management of higher institutions in Rivers State?

Table 2. Mean (X) rating and standard deviation (SD) of students' opinion scores on the perceived causes of students' litigations against the management in institutions of Higher Learning in Rivers State

S/N	VARIABLES	Students mean Responses						Decision
		Federal 1116		n= State N= 2484		Weighted mean/ SD n= 3600		
		X	SD	X	SD	XX	SD	
1.	Abuse of students' fundamental human right by the authorities	3.07	0.72	3.08	0.74	3.80	0.73	Agreed
2.	Taking decisions without due consultation with students	1.93	0.56	1.84	0.66	1.89	0.61	Disagreed
3.	Expulsion of students	2.85	0.76	4.00	1.77	3.66	1.26	Agreed
4.	Rustication actions against students	4.00	2.48	2.85	0.85	3.74	1.17	Agreed
5.	Examination Malpractice	2.93	0.89	2.97	0.75	2.95	0.82	Agreed
6.	Breach of sectional duration due to strike	2.99	0.75	3.09	0.79	3.04	0.76	Agreed
7.	Examination leakages	2.94	0.69	3.11	0.85	3.03	0.77	Agreed
8.	Seizure of Examination	3.11	0.72	2.67	0.98	2.87	0.85	Agreed
9.	Breach of rule of Natural justice	3.14	0.62	2.82	0.62	2.98	0.62	Agreed
10.	Poor investigation of student matter	1.91	0.76	2.14	0.72	2.03	0.74	Disagreed
11.	Suspension of students based on recommendation of senate	3.16	0.63	2.84	0.76	3.00	0.70	Agreed
12.	Libel cases	2.23	0.73	1.88	0.70	2.06	0.72	Disagreed
13.	Misconduct by students	2.20	0.71	2.07	0.75	2.06	0.73	Disagreed

Table 2 shows that nine of the thirteen items listed (items 1, 3, 4, 5, 6, 7, 8, 9 and 11) with weighted mean scores of 3.80, 3.66, 3.74, 2.95, 3.04, 3.03 and 2.87 respectively were agreed to be related to the causes of students' litigation in the institutions of higher learning while items 2, 10, 12 and 13 respectively were considered disagreed.

Research Question 3

What is the impact of litigation on the management of higher institutions in Rivers State?

Table 3. Mean Ratings and Standard Deviations on the impact of litigations on the management of higher institutions in Rivers

S/NO	Variables	Management n= 18		Other Staff n= 2670		Students n= 116		Weighted mean		Decision
		X	SD	X	SD	X	SD	XX	SD	
1.	It can cause delay in some administrative matters	2.00	0.75	3.09	0.79	2.93	0.89	3.00	0.77	Agreed
2.	It leads to erosion of the dignity of the higher institution.	2.94	0.69	3.11	0.85	4.00	1.77	3.50	1.23	Agreed
3.	It restores hope to the common man	2.93	0.89	2.95	0.75	2.87	0.98	2.92	0.82	Agreed
4.	Instability of the academic programme/ procedure	2.82	1.03	2.64	0.98	3.09	0.79	2.85	1.01	Agreed
5.	May cause delay in taking decision	3.14	0.62	2.84	0.76	2.95	0.73	2.98	0.69	Agreed

Table 3 shows that all the five items (items 1,2 ,3, 4 and 5) have weighted mean scores higher than the criterion mean of 2.50 and were agreed to be related to causes of management litigations in the institutions of higher learning in Rivers State.

Discussion of findings

This discussion is based on the results of the study. The trend of litigations in the institutions of higher learning in Rivers State shows apparent increase in litigations in the higher institutions which is evident in the higher number of cases in the law courts. Document Analysis and findings reveal that University of Education has the least number of cases within the same period, but from 2009 to 2010, Rivers State University of Science and Technology recorded the highest number of cases in the law courts.

On the perceived causes of students' litigations in institutions of higher learning in Rivers State, the results revealed the abuse of students' fundamental human rights by the management. The flagrant abuse of students' fundamental human right is to great concern to the students themselves and those who have passed through the system. Always regarded as ordinary students, by the powers that be but these are individuals that have rights to freedom of living, expression and dignity of the human person. But unfortunately their rights are trampled upon and are subject to any decision by management without consultation and considerations. Students are only to be seen but not to be heard. Consequently, when pushed to the wall of circumstances, the courageous ones among them resort to the courts of law for adjudication and protection.

This finding agrees with Koko (1998) that abuse of fundamental human rights have precipitated actions by the aggrieved individual to seek redress in the law courts. The result also indicated that expulsion of students, and rustication action against students are twin causes of students litigation actions. Of course in institutions of higher learning, students' tenure is constantly been threatened by either expulsion and rustication do not go down will with the students who consider themselves as victimized. In the circumstances, they challenge such actions openly through legal tussle with the school authorities as violating their human right. This finding agrees with Igwe (1998) that appellant students challenged the decision of the school authorities in court claiming that they were not given fair hearing and that their expulsion constituted a violation of their expulsion constituted a violation of their rights. This is because an examination leakage has remained a heinous crime whose origin and perpetration remained in controversy. Counter blames come from students who claim that lecturers expose and reveal their examination questions as love gestures to their hard work is betrayed in the circumstances. Often times the consequence of the above give rise to seizure of examination result by

the management as indicated by the study. This disciplinary measure do not usually go down well with students who eventually adopt legal actions to compel the management to rescind their decision and thus release results of such examinations.

This finding is in line with the incidence reported by Anya (1986) in which appellant (law students) of the university of Ife in 1985 on an account of examination leakages and malpractices in the faculty of law sought an order of mandamus to compel the university, the vice chancellor and the registrar to publish and communicate their results. The result of the study also indicated the breach of the rule of natural justice as a cause of litigation by the students. This arise since fair hearing was not granted to offenders and the management was in a haste to wield disciplinary measures on the students or subjects. This finding is upheld by an incident at the University of Port Harcourt in which an appellant responded to a dismissal letter from the institution at the high court. In line with this, Anya (1986) observed that most cases in which the courts have had cause to interfere.

Impact of litigation on the Management and Administration of Higher Institution

On the impact of litigations on the management of higher institutions as show in the table 5, the study revealed delay in some administrative matters as one of the impacts of litigations on the management of higher institutions in Rivers State. This supports the forecast of O'neil (1972) that 'legislative intervention will probably continue into foreseeable future'. There is no doubt that court litigations will cause some delay in administrative matters. The study also unveiled that litigation leads to erosion of the dignity of higher Institution. This agrees with the study of Sanda (1972) and Onwumehili (1992) as they recognize the conflict roles in University management as a loss of academic freedom and autonomy. The findings also support Corsons (1975), O'neil (1972), Cohen and Gutenberg (1971) who through their various contributions unanimously agree that the number of legal decisions has further circumscribed the freedom of the institutions to manage their affairs. The study revealed that litigations also restore hope to the common man. Studies have shown that some administrative actions by the internal organs of the University are sometimes by the courts as not upholding the doctrine of natural justice, hence such actions are overrled by the courts (Adamolekun, 1989; Peretomode, 1992; Barrel, 1978; Ojo 1990; and Okonkwo, 1996). Thos process invariably lightens some ray of hope on a common man. The study also shows instability of academic programme procedure and delay in taking decisions as the impact of litigation on management of higher institutions. This findings agrees with Murphy (1981) when advanced concern on the increasing involvement of the courts in higher educational matters through student law suits against their institution. This may definitely cause or lead to unstable academic serene. This study also supports Ike (1981) when he asserts that "University authorities generally frown at students taking them to court to challenge disciplinary actions against them". This is so because court cases and matters can lead to delay in taking decision on pressing issues concerning the university.

CONCLUSION

Based on the results of the study, it is reasonable to conclude that administrators in higher education as a result of administrative experience are greatly aware of the legal implications of not following due process in management practices and abuse of students, staff fundamental human right.

Litigation has eaten deep into the fabrics of the institutions of higher learning. However the causes are so numerous and spread across board from the students, staff to the management. However serious it may seem to be, various strategic which will rely much more on the initiative of management are available. Their adoption will go a long way to curb cases of litigation on institutions of higher learning nationwide.

RECOMMENDATIONS

Based on the findings of the study, the following recommendations are made.

- a. The visitors to the institutions either as a governor or president and their representative, agents and privies should not for any reason interfere in the internal matters of the institution as it relates to staff or students.

- b. Since internal conflict is a characteristic of any organization, government should promulgate a decree establishing an arbitration court for higher institutions whose members shall be drawn from the judiciary national body of the institutions (Nigeria, University Commission and National Board for Technical Education).
- c. Students should be periodically oriented on the rights and privileges, rules and regulations of the institution and the limits on the exercise of their right.
- d. The trend of litigation in higher institutions which tend to erode the dignity of higher institutions should be checked. Higher Institutions are not established for managing litigations (which is a function of the judiciary) rather established to manage academic programmes.
- e. Management of higher Institutions of learning should all due process of law in the adjudication of internal disputes and allegations to curb litigations in Higher Institutions.
- f. Management of higher institutions should appoint qualified personnel into various committees based on their areas of specialization. They should avoid appointing officers who rather than direct and make decisions objectively create problems for the universities as a result of ignorance on legal aspects of educational management.

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