

PERCEPTION AND MANAGEMENT OF LITIGATIONS BETWEEN STAFF AND AUTHORITIES IN RIVERS STATE INSTITUTIONS OF HIGHER EDUCATION

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ABSTRACT

This study investigated the perception and management of litigations between staff and authorities in Rivers State Universities. The descriptive survey design was used. Three research questions were formulated for the study. The proportional stratified random sampling was used in the selection of 6,288 respondents from a total population of 16,943 consisting of final year students, academic and non-academic staff and management of three higher education institutions in Rivers State. A structured Likert format questionnaire called "Litigations and the management of higher institutions in Rivers State" (LATMOHIRS), validated and with cronbach alpha reliability index of 0.85 was used for data collection. Six thousand, two hundred and eighty-eight copies of questionnaire were administered and retrieved. Descriptive statistics as the mean and standard deviation were used to answer the research questions. Consequently, the following findings amongst others were made. The perceived causes of staff litigations in higher education institutions include: inconsistencies in statutes guiding the institution, termination of appointment by the management, unlawful dismissal of staff, cases of compulsory leave with or without pay, abuse of fundamental human rights and non-compliance with due process of law in the investigation of allegations. It was recommended that staff (employees) in higher education institutions should abide by the contractual agreement (obedience to rules and regulations) to avoid disciplinary action by the management.

Keywords: Higher education, Staff and Authorities.

INTRODUCTION

Higher education in Nigeria generally covers the post-secondary section of the national education system which is given in Universities, polytechnics, colleges of education/arts and science/technology, school of Agriculture, school of forestry, nursing schools and other institutions offering diplomas beyond secondary school level. The aims and objectives of Higher education according to the Federal Government of Nigeria (FGN, 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, Higher Education institutions especially the Universities have basically three statutory functions. Their functions are expected to be organized and exploited so that they can be human and material developmental and strategic goals, in planned and predictable ways. To perform these laudable and essential functions, higher education institutions in Nigeria apart from the laws establishing them are endowed with certain statutes and power conferred on its management

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bodies such as: the governing council, the senate, convocation, congregation, committee of Deans/Provost of teaching units.

In higher education institutions, the two major policy making bodies are the governing council and the senate. The governing council of the university is the formal employer of all university staff. It is charged with the general control and superintendent of the policy, finance and property of the university. University employees are required under the leadership of the Vice-Chancellor to carry out council's policies.

The Senate is the highest academic body in the University system with the Vice-Chancellor as its chairman. Its authority covers all academic matters although some, such as appointments, are shared with council. It is the senate that has the formal authority under the university's charter and status to make academic policy. (Nwafor, 1998; Ibanga, 2005 and Ino-Ibanga, 2008).

However, the two supreme decision making bodies, council and senate, utilize different committees whose recommendations are forwarded to them for ratification and subsequent approval. The use of the instrument of committee in the administration and management of higher education institutions 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 departmental and faculty levels.

Apart from the policy making aspect of governance in higher education institutions, the decision making function is significant and duly provided for by the laws/edicts and remain a challenging function in institutional administration and management. The administrative function is bestowed on the principal officers and their supporting staff: the Vice-Chancellor, Deputy Vice-Chancellors (Academic/Administration), Bursar, Registrar and the Librarian. The Vice-Chancellor may be seen as the "Chief Executive" and "Academic Officer" of the University. Under the Vice-Chancellor's office are the office of the Deputy Vice-Chancellors, Administration and Academic. He is supported by the Registrar who is the "Chief Administrative Officer" of the University and responsible to the Vice-Chancellor for the day-to-day administrative work of the university.

By virtue of his office, the Registrar is secretary to the council, senate, convocation and congregation. He is therefore responsible to the Vice-Chancellor for the university's academic and administrative support services. Other principal officers include the Bursar, who is the "Chief Financial Officer" of the University and is responsible to the Vice-Chancellor for the day to day administration and control of financial affairs of the university. The Librarian is responsible to the Vice-Chancellor for the administration of the university library and the co-ordination of the library services in the university.

The principal officers are required not only to co-operate 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 higher education institutions are taken in consultation with the Visitor of the University which by the provision of the Decree of Edict establishing the university. The Head of the Federal Republic of Nigeria or the Governor of the State is usually named as Visitor to the Federal or State University 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 (Nwafor, 1999). 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 to belong. As a result, management powers and authority to effect necessary discipline on members of staff and students is in recent times being 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 (Alalibo, 2006; Anyah, 1989; Nnokam, 2006 and Nwafor, 1998).

STATEMENT OF PROBLEM

The 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. Therefore this study identified the perceived causes of students' litigations against management of higher institutions in Rivers State.

PURPOSE OF THE STUDY

The purpose of this study was to identify the causes of litigations against the management of institutions of higher learning. Specifically, the study is designed to:

1. Assess the trend of litigations in the institutions of higher learning.
2. Identify the causes of staff litigations against management of higher institution.
3. Assess management strategies that can be adopted to curb litigations in higher education institutions in Rivers State

RESEARCH QUESTIONS

The following research questions guided the study:

1. What is the trend of litigations in institutions of higher learning in Rivers state?
2. What are the perceived causes of staff litigations against the management of higher institutions in Rivers State?
3. What management strategies can be adopted to curb litigations in higher education 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 sampling of 6,288 participants drawn from the three Universities in Rivers State. The sample consisted of 3,600 final year students, 1248 Academic staff, 1422 Non- Academic staff and Eighteen (18) management staff drawn (using the random sampling technique (Uniport = 1,116 students, 416 academic staff, 474 non-academic staff and 6 management staff; RSUST = 1,242 students, 416 academic staff, 474 non-academic staff and 6 management staff and RSCOE = 1,242 students, 416 academic staff, 474 non-academic staff and 6 management staff respectively)

Instrumentation

The instrument for this study consisted of a structured questionnaire developed by the researchers 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 staff 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 $2.50 \left(\frac{4+3+2+1}{4} = \frac{10}{4} \right)$.

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 Question 1: What is the trend of litigations in higher institutions of learning in Rivers State?

Table 1: The trend of litigations in higher institutions of learning in Rivers State

YEAR	UNIPORT	UST	UOE	TOTAL
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	94	85	28	207
Percentage	45.40%	41.10%	13.50%	100.00%

(Number of court cases in each institution from 2005- 2010)

The table one shows the trend of court cases in higher institution in Rivers state. As can be seen, University of Port Harcourt has the highest number of cases 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 academic and non-academic staff litigation against management of higher institutions in Rivers State?

Table 2: Mean (x) rating and standard deviation (SD) of students' on the causes of staff litigations against the management in institutions of higher learning in Rivers State

S/N	Variables	Students mean Responses					Decision
		Federal n= 1116		State N= 2484		Weighted mean n= 3600	
		X	SD	X	SD		
1	Inconsistencies in statutes guiding the institution.	2.90	0.75	3.09	0.79	3.04	Agreed
2	Termination of appointment by the management.	2.94	0.69	3.11	0.85	3.03	Agreed
3	Late payment of salaries and arrears	2.20	0.71	2.07	0.75	2.13	Disagreed
4	Unlawful dismissal of a staff	3.07	0.72	3.08	0.74	3.80	Agreed
5	Suspension action by management	3.16	0.63	2.84	0.76	3.00	Agreed
6	Poor working condition	1.93	0.56	1.84	0.66	1.89	Disagreed
7	Copyright and plagiarism among lecturers	2.85	0.76	4.46	1.77	3.66	Agreed
8	Cases of compulsory leave with or without pay	4.59	2.48	2.85	0.85	3.72	Agreed
9	Abuse of fundamental human right	3.11	0.72	2.64	0.98	2.87	Agreed
10	Noncompliance with due process of law in the investigation of allegation	2.93	0.89	2.97	0.75	2.95	Agreed
11	Injustices meted to staff	3.14	0.62	2.82	1.03	2.98	Agreed
12	Insecurity of life and property	2.23	0.73	1.88	0.70	2.06	Disagreed
13	Political upheavals on campuses	1.91	0.76	2.14	0.72	2.03	Disagreed
14	Abuse of powers by the visitor and other officials on the institution.	1.93	0.56	1.84	0.66	1.8	Disagreed

Table 2 shows that ten of the items listed (items 1, 2, 4, 5, 7, 8, 9, 10, 11 and 14) have total mean scores higher than the criterion of 2.50 with mean scores of 3.04, 3.03, 2.13, 3.80, 3.00, 3.66, 3.72, 2.87, 2.95, 2.98 respectively and were considered positively related to staff litigation in the institutions of higher learning in Rivers State while items 3, 6, 12 and 13 were considered negatively.

Research question 3: What management strategies can be adopted to curb litigations in higher education institutions?

Table 3: Mean ratings and standard deviation on the management strategies that can be adopted to curb litigations in the institutions of higher learning in Rivers State

S/N	Variables	Management		
		X	SD	Decision
1	Strict compliance with the laws to control the internal affairs in the institution.	3.16	0.63	Agreed
2	Proper orientation and reorientation of new staff and students to the internal statutes and arrangement in the institution.	3.09	0.79	Agreed
3	Placing of notices and warning on latest developments in the institution.	3.11	0.85	Agreed
4	Provision of circulars at regular interval.	2.64	0.98	Agreed
5	Holding of meetings on a regular basis.	3.14	0.62	Agreed
6	Deployment of law enforcing agents instead of internal security to quell an imminent uprising.	2.20	0.71	Disagreed
7	Interpretation of laws status and other guidelines for better understanding.	2.82	1.03	Agreed
8	Exhausting the due process of law in the adjudication of internal disputes and allegations.	3.16	0.63	Agreed
9	According respect to the fundamental rights of all and sundry.	2.85	0.76	Agreed
10	Application of the rule of natural justice in matter involving students and staff.	3.59	2.48	Agreed
11	Discountenancing partially hasty and irrational decisions on students and staff matters.	3.08	0.74	Agreed
12	Sincere, upright and accountable leadership.	2.85	0.76	Agreed

Table 3 shows that eleven of the items listed (items 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12) respectively have total mean scores higher than the cut-off means of 2.50 were agreed to be related to management strategies that can be adopted to curb litigations in the institutions of higher learning in Rivers State, with mean scores of 3.16, 3.09, 3.11, 2.64, 3.14, 2.82, 3.16, 2.85, 4.59, 3.08 and 2.85 respectively.

DISCUSSION OF FINDINGS

Trend of Litigations in Higher Institutions of Learning on Rivers State

The trend of litigations in higher institutions of learning in Rivers State as presented in table 1 shows apparent increase in litigations in higher institutions which is evident in the high number of undecided cases from higher institutions in Rivers State still in the law court. Findings reveal that University of Port Harcourt has the highest number of cases from 2005-2008, while University of Education has the least number of cases. But from 2009 to 2010, Rivers State University of Science and Technology recorded the highest number of cases.

Causes of Staff Litigation in Higher Institutions

On the causes of staff litigation in institutions of higher learning as presented in table 2, the results revealed that inconsistencies in statuses guiding the institutions is one of the causes. This is because the statutes guiding the institutions are subject to variable interpretation and alternative action and adapted by the management to suit their whims and caprices regarding a staff who must be disciplined for one reason or the other. Since these statutes do not follow a particular/specific pattern, aggrieved staff has always responded with litigations.

The finding gets the support of Anya (1986) who stated that the grounds for which disciplinary actions could be taken against members of staff are always in general terms. Because they are in general terms, they are vague and subject to different interpretation in terms of the nature and type of disciplinary action to be meted at a particular time. Furthermore, the result revealed that termination of appointment by the management is different but related instances that warrant litigation by staff in institutions of higher learning. It must be noted that issues relating to staff employment is a contractual one that demands that the terms are spelt out specially.

However, often times management tend to violate these terms through such actions as termination of appointment, unlawful dismissal and suspension of staff. These actions are usually contested against by the affected staff. This finding is in line with the position of West (1998) that the master can dismiss his servant at any time and for no reasons in so far as it is done within the stated terms of the contract of employment. If not, the master may only be liable in damages for breach of contract. It is on ground of the breach of contract that several litigations in institutions of higher learning are instituted against the management. It was also shown in the result that copyright and plagiarism among lecturers is one of the causes of litigation among lecturers. This form of litigation usually occurs between among staff. This is because academic publication and written work of an individual represents his candid contribution in the intellectual world. It is a dignified achievement and the fulfillment of the dream of every intellectually minded individual. But unfortunately, some lazy and indolent persons lift passages or entire work of others without referencing the source (author). This has raised serious conflict and claim of damages in the law court. Another cause of litigation by staff in institutions of higher learning as indicated by the study involved cases of compulsory leave with or without pay. This usually arises when an issue of misconduct leveled against a staff is under investigation. Although compulsory leave order on a staff seen a preliminary punitive action pending the determination of his matter by a constituted panel or committee but its effect on a staff is devastating both psychologically and otherwise. Often time's compulsory leave is subsequently followed up by suspension and dismissal.

However, in view of ultimate end of any compulsory leave, the affected staff usually takes to court to forestall any act that could be prejudicial to him by the management. This finding is evidenced by a case involving Adamolekun versus the Vice-Chancellor and the council of university of Ibadan in Suit No. 1:86/66 High Court of Western State of Nigeria. Also the results showed that the abuse of fundamental human rights and noncompliance with due process of law in the investigation of allegation is all respective causes of staff litigation. As it applies in the case of the students, staff also stands to benefit from the various provisions of the fundamental human rights. But unfortunately, they are infringed upon by certain persons in the course of exercising their management functions in the institutions. Often time's investigations on staff issues and allegations do not follow the principles of fair hearing and exhaustive investigations thus when punitive measures are taken, the aggrieved staff take to litigation in court to challenge such decisions. Also, as indicated in the study, injustices meted

to staff are among the causes of litigation. In institutions of higher learning various forms of injustices arising from ethnic differences, backgrounds, religion and belief, political considerations, affiliations and confraternities and cliques are on the rise in the institutions of higher learning.

Oftentimes, staff due for promotion and/or appointment to a position of authority is not considered and so affected ones seek for redress in the court of law. Furthermore, principal officers of the institution are also involved in the flagrant abuse of the powers conferred on them. This confirms to say that “powers corrupt and absolutely” it is in line with this finding that Enaowho (1998:35) remarked, that the law conferred on universities has now been taken away by the same government without first repealing these provisions in the decrees.

Impact of Litigations on the Management and Administration of Higher Institutions

On the impact of litigations on the management of higher institutions as show in the table 2, the study revealed delay in some administrative matter as one of the impacts of litigations on the management of higher institutions in Rivers State. This supports the forecasts 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 the higher institution. This agrees with the study of Sanda (1972) and Onwumechili (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 agreed 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 perceived by the courts as not upholding the doctrine of natural justice; hence such actions are overruled by the courts (Adamolekun, 1989; Peretomode, 1992; Barrel, 1978; Ojo, 1990; and Okonkwo, 1996). This process invariably lightens some ray of hope on a common man. The study also shows instability of academic programme procedure and delay in taking decision as the impact of litigation on management of higher institutions. This finding agrees with Murphy (1981) who advanced concern on the increasing involvement of the courts in higher educational matters through staff law suits against their institutions. This may definitely cause or lead to unstable academic serene. This study also supports Ike (1981) who he asserts that “University authorities generally frown at staff 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.

Management Strategies to Curb Litigation

The management strategies to curb litigation in institution of higher learning were presented in table 3. The result showed that strict compliance with the laws to control the internal affairs in the institutions is one of the strategies. This is necessary because a deviation will lead to an abuse of power and expose the management to criticisms and blames. Also the result indicated that proper orientation and re-orientation of new staff and students to the internal statutes and arrangement is a management strategy to curb litigation.

There is indicative of the fact that orientation creates awareness to the new members of the community to the dos and don’ts as well as internal arrangements of the institution. Since institutions are dynamic systems, future orientations will also keep members abreast with new developments, rules and regulations as the case may be. With this machinery in place staff and students will less frequently fall victims to behaviour that attract sanction and discipline from the management. As a follow-up to the above finding, the study revealed that placing notices and warnings on latest developments in institutions is a clear strategy to curb litigation since it will enhance the awareness of both staff and students on rules on ground. Holding meetings on a regular basis was indicated by the study as another management strategy. This is because such meetings create room for communication among all the stakeholders in the institution. And so individuals through such forum will exercise their fundamental right of expression. Consensus reached at such meetings could be used for decision making at the management level. In addition meetings create room for better understanding among staff, students and management on all policies and rules that guide the activities of the institutions. The result showed

that interpretation and definition of laws, statutes and other guidelines for better understanding is a strategy to curb litigation. This is because the terms used in the guidelines, manuals and brochures which contain the statutes are subject to varied interpretations by different individuals. And so, in simple clear terms, students and staff will be aware of the consequences of whatever they do contrary to acceptable norms. This finding is supported by the position of Koko and Okeke (1998) that there is need to interpret the terms in clear unequivocal manner and students/and staff should be informed of their offences prior to sanctions. Furthermore, exhausting the due process of law, in the investigation and adjudication of internal disputes and allegations were indicated by the result as a management strategy to curb litigations in institutions of higher learning. This implies that ample opportunity is given to establish the case against the individual concerned, and giving him adequate notice and opportunity to defend himself to the point of conviction. Such exhaustive investigation will give room for the individual to make appeal if the need be within a specified length of time.

This finding receives a support from Nwagwu (1987) that on no account should school authorities expel a student or dismiss a staff until they have thoroughly investigated the charges and given the student/staff a chance to defend himself/herself. The above finding is related to similar results by the study which is on according respect to the fundamental rights of all and sundry as well as application of the rule of natural justice in matters involving students and staff. This is because individuals are becoming increasingly conscious of their rights and expect these rights to be respected. Also discountenancing partial, hasty and irrational decisions on student and staff matters was revealed by the result as a strategy to curb litigation in institutions of higher learning. These hasty decisions have been aggravated by sentiments associated with politics, religion and ethnic differences. And so, when issues are handled from a neutral perspective, animosity engendered from irrational punitive decision will be reduced. This also is indicative of a related measure to curb litigation which is a sincere, upright and accountable leadership. Actually, leadership ought to be by example to reduce the flexing of muscles and disagreement arising as a result of certain management decisions and actions.

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 staff fundamental human rights. 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 strategies 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:

1. 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' discipline.
2. 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 and National Universities Commission (NUC).
3. Staff members should be periodically given orientation on the rights and privileges, rules and regulations of the institution and the limits on the exercise of their rights.
4. The trend of litigation in higher institutions which tend to erode the dignity of higher institutions should be checked through the Higher Education Arbitration Court (recommended above).
5. Management of higher Institutions of learning should follow all due process of law in the adjudication of internal disputes and allegations to curb litigations in higher education.
6. Management of higher education should appoint qualified personnel into various committees based on their areas of specialization to avoid poor investigation of staff matters.

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