

Protection of Teachers Right to Fair Hearing, Freedom of Expression and Association for National Cohesion in the Management of Primary Education in Kebbi State, Nigeria

SANI DANTANI MANGA

Usmanu Danfodiyo University, Sokoto, Nigeria.

Abstract. This paper investigated the extent to which teachers right to fair hearing, freedom of expression and association are protected as a strategy for ensuring national cohesion in the management of Primary Education in Kebbi state. The study was a descriptive survey in which 50 primary schools drawn from urban and rural areas in five education zones in Kebbi State were deliberately sampled. The views of 250 teachers and 150 school managers were sampled through stratified and simple random sampling techniques. A self-designed and validated instrument with a reliability index of 0.88 on a four point Likert scale was used. Mean computation and Rank order were used to analyze data to answer research questions using mean of 2.5 and above as the cut-off mean for acceptance and below it for rejection while z-test statistics was used to test the hypotheses at 0.05 level of significance. It was found that to a large extent, teacher's right to fair hearing, freedom of expression and association were protected in the management of Primary Education in Kebbi State. It was therefore recommended that the protection of teachers' right should continue to be upheld in order to ensure national cohesion, not only in Kebbi State but in Nigeria as a whole.

Keywords: Protection, Teachers Right, Fair hearing, Freedom of expression, Association, National Cohesion, Management.

1. Introduction

The idea of national cohesion is today a very important ideal that Nigeria is desperately aspiring to attain. More than ever before, there are agitations by various groups in the north, south, west and eastern parts of Nigeria for the restructuring and possible disintegration of Nigeria back to regions that should be autonomous and more powerful than the center. National cohesion is the force that binds the various regions and states to stick together in one united indivisible country (Hornby, 2010). The quest for national cohesion was tested fifty years ago when the civil war was fought between 1967-1970 to keep Nigeria one. In this regard, the teachers at the primary school occupy a central position in providing the kind of education that will develop the spirit of national cohesion right from the tender age (Fafunwa, 2004).

1.2 Statement of Problem

Although a lot of sacrifices and the precious blood of fellow Nigerian compatriots was shed on the altar of national cohesion, the nagging problem has persisted to the point that it has become an issue of endless academic and intellectual discuss across the land. Various

political, social, economic and philosophical antidotes have been proposed to actualize the dream, yet very little success has been attained. One of the most powerful antidote that has probably been over looked and grossly neglected is the possibility of looking at the provision of quality education at the primary school level as he foundation upon which the unshakable pillar of national cohesion could be built.

Despite the significant and indispensable role of teachers in inculcating and propagating the ideals of national cohesion in children, primary school teachers in Nigeria and Kebbi State in particular are the most neglected compared to those in secondary and tertiary institutions. According to Achimugu (2005), Nigeria teachers are among the worst paid teachers in the world. They live in perpetual poverty fraught with mixed bag of frustration, pain, grief and despair in a land flowing with milk and honey. The worst thing is that primary school teachers are harassed, intimidated and denied their legal rights (Ogunu, 2015). Given this scenario of helplessness and hopelessness, it is extremely difficult to expect teachers to be able to function effectively in inculcating the ideas of national cohesion in children. Thus the main thrust of this paper is to assess the extent to which the management of Primary Education in Kebbi State protects the legal rights of teachers particularly on issues of fair hearing, freedom of expression and association and how this impinges on their capacity to promote national cohesion.

1.3 Research Questions

The following research questions are formulated to guide the study.

- What is the perception of teachers and educational managers on the extent to which teachers' right to fair hearing is protected to ensure national cohesion in the management of Primary Education in Kebbi State?
- What is the perception of teachers and educational managers on the extent to which teachers' right to freedom of expression and press is protected to

ensure national cohesion in the management of Primary Education in Kebbi State?

- What is the perception of teachers and educational managers on the extent to which teachers' right to freedom of assembly and association is protected to ensure national cohesion in the management of Primary Education in Kebbi State?

1.4 Research Hypotheses

Ho₁: There is no significant difference between the mean scores of teachers and educational managers on the extent to which teachers' right to fair hearing is protected for national cohesion in the management of Primary Education in Kebbi State.

Ho₂: There is no significant difference between the mean scores of teachers and educational managers on the extent to which teachers' right to freedom of expression and press is protected for national cohesion in the management of Primary Education in Kebbi State.

Ho₃: There is no significant difference between the mean scores of teachers and educational managers on the extent to which teachers' right to freedom of assembly and association is protected for national cohesion in the management of Primary Education in Kebbi State.

1.5 Objectives of the Study

The objectives of this study are as follows:

- To find out the perception of teachers and educational managers on the extent to which teachers right to fair hearing is protected to ensure national cohesion in the management of Primary Education in Kebbi State.
- To find out the perception of teachers and educational managers on the extent to which teachers right to freedom of expression and press is protected to ensure national cohesion in the management of Primary Education in Kebbi State.
- To find out the perception of teachers and educational managers on the extent

to which teachers right to freedom of assembly and association protected to ensure national cohesion in the management of Primary Education in Kebbi State.

1.6 Significance of the Study

This study is significant in a number of ways. The findings will show the various issues involved in the protection of legal rights of teachers, thereby serving as a guide for Headmasters in primary schools, managers of Primary Education at Local Government Education Authority as well as Primary School Management Board at the State level. It will improve teachers' awareness of their legal rights and to encourage them to raise an alarm whenever any of their legal rights is violated with impunity. As a whole, it will help to create and sustain an environment where Primary schools are managed by giving respect to the rule of law as a necessary condition for peaceful co-existence and national cohesion among teachers irrespective of geopolitical and socio-cultural origin.

2. Review of Relates Literature

The right to fair hearing is a cardinal right enshrined in the constitution of the Federal Republic of Nigeria (1999) section 36 (1). In order to ensure the protection of teachers right to fair hearing, educational mangers are expected to give every teacher the opportunity for fair hearing without discrimination on grounds of religion, sex, tribe, place of origin, and other distinguishing characteristics (Achimugu, 2005). Educational managers should ensure that no teacher is assumed to be guilty unless proven otherwise; be properly informed of his offence; be given adequate time to prepare for his defence; be informed of his accusers and allowed to cross-examine them; present his witnesses and be given fair sentence (Alexander, 2008). It also entails ensuring than disciplinary committee is 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

be; and be given the right to appeal if they are not satisfied with the judgement (Barrel, 2005). Fuller (2009) believes that protection of teachers' right to fair hearing could impact positively on national cohesion in any country of the world.

One of the ways by which people particularly primary school teachers are suppressed is to curtail their freedom of expression. Section 39 (1) of the constitution (FRN, 1999) however, provides stated that every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive ideas and information without interference, be given the freedom to impart knowledge and publish their ideas or information without interference and right to use any medium to disseminate information as well as express their grievances through lawful channels, without victimization. Alexander (2008) is of the opinion that suppression of teachers' freedom of expression and press could lead to rebellion if they are pushed to the wall. This will in turn affect national cohesion especially if the affected teachers are not indigene of the state where they are serving.

The Federal republic of Nigeria (1999) in Section 40 (1) stated that every person is entitled to assemble freely and associate with other persons and in particular, he may form or belong to any political party, trade union or any other association for the protection of his interests. Ogunu (2005) and Sagay (2007) stated that teachers have the right to decide whether they wish to belong to an association or not, be free to withdraw their membership from any association at any given time without victimization and that they should not be compelled to join an association against their will. Teachers Registration Council of Nigeria (TRCN, 2004), Barrel (2005) and Obilade (2009) are of the view that lack of membership of professional associations deprives them of the opportunity of getting the right exposure to other parts of Nigeria and various cultures when they attend national conferences. According to Obilade (2009) this exposure is expected to improve teachers' appreciation of Nigerian culture which is vital to national cohesion.

Nwagwu (2007) opined that teachers’ right to assemble during statutory meetings to discuss curricular issues and other official matters should be protected. They should be free to assemble during meetings of their professional union, staff meetings, for religious observances, for informal interaction and for community development. Hamilton (2010) and Okonkwo (2010) notes that if teachers are deprived of the right to associate lawfully they may assemble secretly and unlawfully which might lead to development of cultism which is inimical to the spirit of national cohesion.

3. Research Methodology

This study used the descriptive Survey design in order to sample the views of teachers and school managers on protection of teachers’ right in the management of Primary Education in Kebbi State. Population of the study was drawn from the five existing education zones. Ten schools were sampled purposefully from each to get a total of 50 schools drawn from urban and rural areas, as well as public and private schools. All the head masters in the 50 schools and 150 staff of Local Education Authority as well as Zonal Education Officers who are in charge of management of the schools were deliberately sampled. Simple random sampling technique was used to select 250 teachers. A self-designed questionnaire titled: Protection of Teachers Legal Right Questionnaire (PTLRQ) with 25

items spread across three sections was used to collect data. The questionnaire was rated using modified Likert Scale type. Strongly Agree (SA) = 4; Agree (A) = 3; Disagree (D) = 2; and Strongly Disagree (SD) = 1. The criterion mean of 2.5 and above was used for acceptance and below 2.5 was used for rejection. Three experts in educational management validated the instrument. Test re-test method was used to obtain a reliability index of 0.88 co-efficient. The sampled schools were visited by the researcher in company of trained research assistants. Completed copies of the instrument distributed to 150 school managers and 250 for teachers were retrieved on the spot. Mean computation and Rank Order were used to analyze the data to answer the research questions, while z-test statistics was used to test the hypotheses at 0.05 level of significance

4. Findings

The research questions raised fir this study were answered sequentially and presented in table 1-3.

Research Question One

RQ1: What is the perception of teachers and educational managers on the extent to which teachers’ right to fair hearing is protected to ensure national cohesion in the management of Primary Education in Kebbi State?

Table 1: The mean and rank order of teachers and school managers on protection of teachers’ right to fair hearing for national cohesion in the management of Primary Education in Kebbi State

S/N	Protection of teachers right to fair hearing	Teachers Mean (\bar{x})	Managers Mean (\bar{x})	Mean set	Rank	Decision
1	Hearing is given without discrimination	2.82	2.22	2.52	7 th	Agreed
2	Hearing is within reasonable time	2.48	2.72	2.61	4 th	Agreed
3	Members of committee are qualified	2.49	2.63	2.56	5 th	Agreed
4	Adequate time is given for defence	2.45	2.37	2.41	11 th	Disagreed
5	Records of trial proceedings are kept	2.59	2.53	2.55	6 th	Agreed
6	Right to cross-examine accusers is given	2.71	2.66	2.70	2 nd	Agreed
7	Teacher assumed innocent until proven guilty	2.48	2.45	2.46	9 th	Disagreed
8	Punishment given is moderate and fair	2.81	2.75	2.73	1 st	Agreed
9	Copies of the judgement are issued	2.45	2.42	2.48	8 th	Disagreed
10	Right to appeal is given if not satisfied	2.46	2.48	2.45	10 th	Disagreed
11	Punishment based on current rules	2.63	2.61	2.64	3 rd	Agreed

Table 1 shows that item ranked 1st to 7th with the mean scores ranging between 2.73 and 2.52 were accepted, which means that both teachers and school managers were in agreement that positive effort was being done by the management of Primary Education in Kebbi State for national cohesion by protecting teachers’ right to fair hearing especially in terms of giving moderate punishment (2.73, 1st), opportunities

to cross examine witnesses (2.70, 2nd), punishment based on current rules (2.64, 3rd), hearing within reasonable time (2.61, 4th) among others. On the other hand, being given copies of the trial (2.48, 8th), accused being presumed innocent till proven guilty (2.46, 9th), being given right to appeal (2.45, 10th) and being properly informed of one's offence (2.41, 11th), which means were below the criteria mean of 2.5 were rejected.

Research Question Two

RQ2: What is the perception of teachers and educational managers on the extent to which teachers' right to freedom of expression and press is protected to ensure national cohesion in the management of Primary Education in Kebbi State?

Table 2: The mean and rank order of teachers and school managers on protection of teachers' right to freedom of expression and press for national cohesion in management of Primary Education in Kebbi State.

S/N	Protection of freedom of expression and press	Teachers Mean (\bar{x})	Managers Mean (\bar{x})	Mean set	Rank	Decision
1	Freedom to independent opinion	2.68	2.44	2.47	5 th	Disagreed
2	Freedom to receive information	2.43	2.37	2.40	7 th	Disagreed
3	Freedom to express independent ideas	2.49	2.48	2.48	4 th	Disagreed
4	Freedom to use any medium	2.47	2.47	2.42	6 th	Disagreed
5	Freedom to publish the truth	2.60	2.58	2.59	3 rd	Agreed
6	Freedom to keep official secrets	2.63	2.65	2.64	2 nd	Agreed
7	Freedom to change opinion/ideology	2.66	2.64	2.65	1 st	Agreed

Table 2 showed the mean and rank of items as follows: Freedom to change opinion (2.65, 1st), freedom to keep confidential information (2.64, 2nd), and freedom to publish the truth (2.59, 3rd). apart from freedom to express independent ideas (2.48, 4th), hold independent opinion (2.47, 5th), freedom to use any media (2.42, 6th) and freedom to receive information (2.40, 7th), which mean was below the criteria mean of 2.5 and so was rejected, other items had means above the criteria mean of 2.5. The items were therefore accepted as the extent to which teachers' rights to freedom of expression and press were positively protected to ensure national cohesion in the management of Primary Education in Kebbi State.

Research Question Three

RQ3: What is the perception of teachers and educational managers on the extent to which teachers' right to freedom of assembly and association is protected to ensure national cohesion in the management of Primary Education in Kebbi State?

Table 3: The mean and rank order of teachers and school managers on protection of right to freedom of assembly and association for national cohesion in the management of Primary Education in Kebbi State.

S/N	Protection of teachers right to assembly/association	Teachers Mean (\bar{x})	Managers Mean (\bar{x})	Mean set	Rank	Decision
1	Freedom to assemble formally	2.84	2.24	2.54	5 th	Agreed
2	Freedom to assemble informally	2.50	2.74	2.62	2 nd	Agreed
3	Freedom to assemble for unionism	2.51	2.65	2.58	3 rd	Agreed
4	Freedom to belong to professional bodies	2.47	2.39	2.43	7 th	Disagreed
5	Freedom to withdraw membership	2.59	2.55	2.57	4 th	Agreed
6	Freedom for religious assembly	2.74	2.68	2.71	1 st	Agreed
7	Freedom for social gatherings	2.49	2.47	2.48	6 th	Disagreed

Table 3 showed the mean and rank of the items as follows: freedom for religious assembly (2.71, 1st), freedom to assemble informally (2.62, 2nd), freedom to assemble for unionism (2.58, 3rd), freedom to withdraw association membership (2.55, 4th), and freedom to assemble formally, (2.54, 5th). Apart from freedom for social gathering (2.48, 6th) and freedom to belong too professional bodies (2.43, 7th) which

means were below the criteria mean of 2.5 and so were rejected, other items had means above the criteria mean. Three items therefore show that positive efforts are made to protect teachers' right to freedom of assembly and association to ensure national cohesion in the management of Primary Education in Kebbi State.

Hypotheses

Three null hypotheses were tested for this study.

Hypotheses One

Ho₁: There is no significant difference between the mean scores of teachers and educational managers on the extent to which teachers' right to fair hearing is protected for national cohesion in the management of Primary Education in Kebbi State.

Table 4: Summary of z-test analysis and mean scores of teachers and managers on protection of teachers' right to fair hearing for national cohesion in the management of Primary Education in Kebbi State

Participants	N	\bar{X}	SD	df	z-cal	z-crit	Decision
Teachers	250	20.29	9.90	398	0.092	1.960	Not significant
Managers	150	20.18	10.02				

Table 4 shows that at 0.05 alpha levels at 398 degree of freedom, the calculated and critical value of Z, are 0.092 and 1.960 respectively. Since the calculated value is less than the tabulated z-value, hypothesis one is therefore accepted. Thus, there is no significant difference between the views of teachers and school managers on protection of teachers' right to fair hearing for national cohesion in the management of Primary Education in Kebbi State.

Hypotheses Two

Ho₂: There is no significant difference between the mean scores of teachers and educational managers on the extent to which teachers' right to freedom of expression and press is protected for national cohesion in the management of Primary Education in Kebbi State.

Table 5: Summary of z-test analysis and mean scores of teachers and managers on protection of freedom of expression for national cohesion in the management of Primary Education in Kebbi State

Participants	N	\bar{X}	SD	df	z-cal	z-crit	Decision
Teachers	250	21.34	10.25	398	0.766	1.960	Not significant
Managers	150	20.42	10.20				

Table 5 showed that 0.05 level of significance and 398 degree of freedom, the computed and tabulated value of Z are 0.766 and 1.960 respectively. Since the calculated value is less than the critical value of Z, the second hypothesis is accepted. Thus there is no significant difference between the views of teachers and managers on the protection of teachers' right to freedom of expression and press for national cohesion in the management of Primary Education in Kebbi State.

Hypotheses Three

Ho₃: There is no significant difference between the mean scores of teachers and educational managers on the extent to which teachers' right to freedom of assembly and association is protected for national cohesion in the management of Primary Education in Kebbi State.

Table 6: Summary of z-test analysis and mean scores of teachers and school managers on the protection of teachers’ right to assembly and association for national cohesion in the management of Primary Education in Kebbi State.

Participants	N	\bar{X}	SD	df	z-cal	z-crit	Decision
Teachers	250	2.30	9.91	398	0.093	1.960	Not significant
Managers	150	2.19	10.04				

Table 6 shows that at 0.05 alpha level and 398 degree of freedom, the calculated Z-value was 0.093 while the critical z-value is 1.960. Since the calculated z-value is less than the critical value, the third hypothesis is accepted. Thus there is no significant difference between the mean scores of teachers and educational managers on measures taken to protect teachers’ right to freedom of assembly and association for national cohesion in the management of Primary Education in Kebbi State.

5. Discussion

The first finding of this study shows that both teachers and educational managers were in agreement that the management of Primary Education in Kebbi State takes positive measures to protect teachers’ right to fair hearing in order to ensure national cohesion. Among the measures taken is to ensure that teachers are given fair hearing without discrimination, within reasonable time, and that members of disciplinary committee to handle cases are drawn from men and women who are morally upright, neutral and qualified to give fair judgement. 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 offence; is presumed guilty even before trial; is not given copies of the trial and is victimized further if he appeals against an unjust ruling. This is contrary to the views of Alexander (2008), Barrel (2005) and Hamilton (2012).

The second finding of this study show that both teachers and school managers hold similar views on measures done to protect teachers’ right to freedom of expression and press in order to ensure national cohesion in the management of

Primary Education in Kebbi State were not adequate. This is a bad omen as it was shown that to a large extent primary school teachers are so intimidated that they are not given freedom to hold independent opinions that may not be favourable to the authorities. In most cases they are kept in the dark as they are blocked from receiving true information that may them favour through false propaganda. Even where they hold correct information on vital issues affecting them, they are not given freedom to express their opinion as they have no access to the press and other official channels. This is contrary to constitutional provisions of the (FRN, 1999) constitution. It was however also found that teachers were given some freedom to publish the truth especially in social media, keep confidential information and freedom to change the opinion as in the views of Jennings (2015).

The third finding of this study shows that both teachers and school managers had similar opinions to the effect that teachers right to freedom of assembly and association are adequately protected in order to ensure national cohesion in the management of Primary Education in Kebbi State. Teachers freedom to assemble formally, informally and for the purpose of unionism and religious observances is protected. This is in line with the Federal Republic of Nigeria (1999) constitution of Nigeria. However it was also found that teachers are not encouraged to register with their professional associations and their right to attend social gatherings whether in schools or in the community are curtails. This is contrary to the views of Sagay (2007), Obilade (2007) and the provisions of Teachers Registration Council of Nigeria (TRCN, 2004).

6. Conclusion

Based on the findings and implications of this study, the following conclusions were drawn:

Teachers' right to fair hearing, freedom of expression and the press, as well as freedom of association and assembly are protected in order to ensure national cohesion in the management of Primary Education in Kebbi State. But gray areas need to be addressed for improvement.

Protection of teachers' legal rights can enhance the spirit of national cohesion while the denial will have negative consequences on national cohesion.

7. Recommendations

The managers of Primary Education in Kebbi State should ensure that teachers' right to fair hearing should continue to be upheld by strict adherence to the laid down principles of due process as laid down by law and institutional regulations. This will give all teachers a sense of belonging irrespective of their place of origin. This in essence could help to enhance national cohesion

Teachers' right to freedom of expression should be safeguard to higher level by the management running an open administration and protecting teachers from victimization whenever they have reason to voice out their grievances.

The right to freedom of association could be enhanced by ensuring that all teachers who are professionally registered and registered with Teachers registration council of Nigeria (TRCN) and also sponsored to attend annual conferences of associations relevant to their subject areas. This will expose them to conferences in different parts of Nigeria and this to some extent will help forge national cohesion

References

Achimugu, L. (2005). *The Agonies of the Nigeria Teacher*. Ibadan. Heinemann Educational Books (Nig) Plc.

Alexander, K. (2008). *School law*. London. West Publishing Co.

Barrel, G.R.C. (2005). *Teachers and the law*. Great Britain. Methuen & Co. Ltd.

Fafunwa, A.B. (2004). *History of education in Nigeria*. London. Oxford University Press

Federal Republic of Nigeria (1999). *The Constitution of the Federal Republic of Nigeria*. Lagos. Federal Ministry of Information.

Fuller, L.L. (2009). *The morality of law*. London. Yale University Press, 49-91.

Hamilton, R.R. (2010). *The Law of Public Education*. New York. The Foundation Press.

Hornby A.S. 2010 *Oxford Advanced Learners Dictionary of Current English*. New York. Oxford University Press.

Jennings, I. (2015). *The Law and the Constitution*. London. University of London Press.

Malemi, E. (2017). *The Nigerian Constitutional Law with fundamental rights and enforcement procedure rules*. Lagos. Prince Stone Publishing Company.

Manga, S.D. (2018). *Professional code of conduct of school personnel in the context of education law in Nigeria: Matters arising and policy proposals*. Faculty Seminar Paper. Usmanu Danfodiyo University Sokoto, Nigeria.

Nwagwu, N.A. (2007). *Education and the law in Nigeria: The rights of teachers and students in Nigeria*. Keybeecee Publications Ltd.

Obilade, A.D. (2009). *The Nigerian legal system*. Ibadan. Spectrum Law Publishing.

Ogunu, M. (2015). *Fundamentals of education law for effective operation of schools and how to improve teacher student relationships*. Benin City. Mabogun Publishers.

Okonkwo, C.O. (2010). *Criminal law in Nigeria*. Ibadan. Spectrum Books.

Sagay, I.E. (2007). *Nigeria law of contract*. Ibadan. Spectrum Books. Ltd.

Teachers Registration Council of Nigeria (TRC, 2004). *Teachers code of conduct*. Abuja TRCN Head Quarters.