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## Academic and Non-Academic Staff Perception on Influence of Corruption on Enforcement of Due Process in Management of Tertiary Institutions in Kebbi State, Nigeria

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### **Abstract:**

*Corruption in Nigeria is an issue that has become a national malaise and a focus for educationists at all levels. The study focused on how corruption influences the enforcement of due process on the management of tertiary educational institutions in Kebbi State. Four of such institutions were randomly selected while 200 Academic staff and 250 Non-academic staff were chosen using stratified random sampling technique. A validated questionnaire with reliability index of 0.78 was used to elicit the data needed in conducting the study. Three research questions were analyzed using simple percentages while three Null hypotheses were generated and tested using Chi-square at 0.05 levels of significance. The study found that corruption influenced the enforcement of both substantive and procedural due process in judging cases of violation of institutional rules in the sampled schools. It was also found that corruption factors have persisted despite laid down regulations in the institutions. The paper therefore recommended among other things that the institutions should regularly revise and update their rules to ensure that they are aligned with the constitution of the Federal Republic of Nigeria. The ethics committees existing in the institutions should closely monitor cases of violation of due process so as to ensure that justice, fair play and equity is maintained in the management of tertiary institutions in Kebbi State.*

**Keywords:** Corruption, management, due process, substantive due process, procedural due process

### **1. Introduction**

Tertiary educational institutions all over the world are undisputable citadels of learning and centres of Academic excellence, research and community service. In Nigeria, efforts are made to maintain the lofty image of tertiary educational institutions and to keep them free from unwanted corrupt practices. One of the critical aspects of school administration however that has been gradually affected by corruption is the issue of enforcement of due process of law in the provision of justice and discipline among staff (Bambgose & Ayoola, 2015). The enforcement of due process is expected to ensure that any staff accused of misconduct is given a fair hearing and is tried on the basis of laws that are fair and legally substantial. Due process is operationalized in this paper as the careful and meticulous exercise of care and good judgment in ensuring that necessary steps and procedures are strictly followed in the dispensation of justice and other activities so as to ensure compliance with guiding rules, regulations and legal provisions. Corruption is the process of giving and receiving financial, material and other forms of inducements to person in authority so as to influence his or her decision to give undue favour to a person or group of persons. Management in this paper refers to the process of enforcing substantive and procedural due process in the day to day administration of activities and programmes of tertiary education institutions.

### **2. Statement of Problem**

Tertiary educational institutions in Kebbi State are expected to operate in accordance with the rule of law. Central to this is the enforcement of due process in settlement of disputes and grievances among staff and between staff and management. But the high level of corruption in Nigeria generally and tertiary institutions to some extent affects the enforcement of due process (Okonkwo, 2018). Thus there are several cases where both Academic and Non-academic staff have bitterly complained that due process have not been thoroughly observed in judging cases especially by school disciplinary committees. The main thrust of this study is to ascertain the perception of Academic and Non-academic staff on the extent of enforcement of substantive and procedural due process as well as determine factors affecting the enforcement of due process in tertiary educational institutions in Kebbi State

### **3. Research Questions**

The following research questions were formulated to guide this study:

- What is the perception of Academic and Non-academic staff on the influence of corruption on the enforcement of substantive due process in management of tertiary institutions in Kebbi State as perceived by staff?

- What is the perception of Academic and Non-academic staff on the influence of corruption on the enforcement of procedural due process in tertiary institutions in Kebbi State?

#### 4. Objectives of the Study

The objectives of this study were to:

- Find out the perception of Academic and Non-academic staff on the influence of corruption on the enforcement of substantive due process in the administration of tertiary educational institutions in Kebbi State.
- Find out the perception of Academic and Non-academic staff on the influence of corruption on the enforcement of procedural due process in tertiary educational institutions in Kebbi State.

#### 4.1. Hypotheses

The following Null hypotheses were tested in the study:

- Ho<sub>1</sub>: There is no significant difference between the perception of Academic and Non-academic staff on the influence of corruption on the enforcement of substantive due process in the administration of tertiary educational institutions in Kebbi State.
- Ho<sub>2</sub>: There is no significant difference between the perception of Academic and Non-academic staff on the influence of corruption on the application of procedural due process in tertiary educational institutions in Kebbi State.

#### 5. Significance of the Study

This study will assist managers of tertiary educational institutions to re-examine the prevailing rules and regulation in their institutions so as to ensure they are legally in line with constitutional provisions. It will assist managers of tertiary educational institutions to be more meticulous in the enforcement of procedural due process so as to avoid miscarriage of justice. It will also assist them to identify and tackle corruption factors that could affect the enforcement of due process in their institution.

#### 6. Review of Related Literature

Although due process is a necessary ingredient for the effective administration of tertiary educational institutions, yet the enforcement of due process is marred by diverse acts of corruption. According to Hornby (2015), corruption is the dishonest or illegal behaviour especially of people in authority. Due process on the other hand is the administration of law in accordance with the rules established for the protection of constitutional rights of staff and students balanced against the school authorities' duty to protect those rights (Huges & Libben, 2008). There are two aspects of due process. These are substantive due process and procedural due process. Substantive due process is concerned with the basic legality of school rules and regulations in relation to constitutional provisions (McLeod, 2003). Any staff or student punished under a school rule that is contrary to the provision of the constitution has legal recourse to set aside the punishment as the rule is invalid (Fisher, 2007). To ensure substantive due process, school rule and regulations must have constitutional basis; be specific and definite; be necessary, reasonable and well disseminated. The rules must also specify appropriate punishment for breach in such way that it is neither too lenient nor too severe (Holland & Webb, 2017). Corruption can influence substantive due process when rules are made to protect selfish motives or certain individuals to the detriment of others (Fisher 2017).

Procedural due process on the other hand is the established orderly process of arriving at an impartial and just settlement of conflict between two parties (Alexander, 2018). The elements of due process entails giving the accused staff or student fair warning both verbally and in writing (Barrel, 2007); giving opportunity for fair hearing by an impartial judge (Ginsberg, 2016); given enough time to prepare his defence and present his witness and cross-examine his accusers (Okonkwo, 2018). He or she must also be given the right to counsel, a just and fair judgment as well as the right to appeal within the school authorities or in court (Lexis, 2017). Corruption can influence procedural due process where an individual is victimized and the authorities try to cover up (Barrel 2015, Jenning 2015 & Alexander 2018).

#### 7. Research Methodology

This study was a descriptive survey study that investigated ways by which corruption influenced the enforcement of due process in tertiary institutions in Kebbi State. The study compared the Academic and Non-academic staff perception on corruption factors that influenced enforcement of due process. Out of the seven tertiary institutions owned by Kebbi State government, only four were chosen based on type of institution. Thus, one College of Education, one College of Legal Studies, one College of Agriculture and one Polytechnic were deliberately chosen. In all, 200 Academic staff and 280 Non-academic staff selected using stratified random sampling techniques, to allow for proportional representation of participants across the schools. A researcher designed questionnaire titled Influence of Corruption on Enforcement of Due Process Questionnaire (ICEDPQ) was used to elicit information. The questionnaire consisted of three sections. Section A had 7 items on substantive due process; Section B had 10 items on procedural due process while Section C had items on corruption factors affecting due process. The questionnaire items were rated on a four point Likert Scale collapsed into two scales of Agree (A) and Disagree (D).

The instrument was validated by experts in test and measurement and it was pilot tested on 25 lecturers and 35 Non-academic staff in college of health and technology which was not included in the study but had the same

characteristics with those included in the sample. After two weeks it was re-tested on the same set of people. The results obtained in the two tests were correlated gave the co-efficient of 0.78 which indicated high reliability.

The two research questions for the study were answered using simple percentages based on simple majority view. The two hypotheses were tested using Chi-square at 0.05 alpha level.

## 8. Result

Two research questions were answered and two hypotheses were tested

## 9. Analysis of Research Questions

Two research questions were raised for this study, and analyzed sequentially. Opinions of Academic and Non-academic staff were separated and simple percentages used to determine majority view for each group.

- RQ1: What is the perception of Academic and Non-academic staff on influence of corruption on enforcement of substantive due process in tertiary institutions in Kebbi State?

S/N	Item Statement	Academic		Non-academic	
		Agree	Disagree	Agree	Disagree
1	Corruption influences legality of rules and their enforcement in your institution	60%	40%	36%	64%
2	Corruption influences specificity of rules and their enforcement in your institution	55%	45%	41%	59%
3	Corruption influences reasonability of rules and their enforcement in your institution	63%	37%	33%	67%
4	Corruption influences dissemination of rules and their enforcement in your institution	57%	43%	39%	61%
5	Corruption influences flexibility of rules and their enforcement in your institution	65%	35%	31%	69%
6	Corruption influences fairness of rules and their enforcement in your institution	56%	44%	40%	60%
7	Corruption influences documentation of rules and their enforcement in your institution	66%	34%	30%	70%
	Mean ( $\bar{X}$ )	60%	40%	36%	64%

Table 1: Influence of Corruption on Enforcement of Substantive Due Process in Tertiary Institutions in Kebbi State

$N = 200$  for Academic Staff  
 $N = 280$  for Non-academic Staff  
 $\Sigma N = 480$  Participants

Table 1 shows that majority of academic staff agreed that corruption influences the legality of school rules (60%); specificity of school rules (55%); reasonability of school rules (63%) dissemination of school rules (57%) flexibility of school rules (65%); fairness of school rules (56%) documentation of school rules (66%). Most of the non-academic staff ranging from 59% to 70% disagreed with all the items. Table 1 shows that majority of Academic staff on the average of 60% agreed that corruption influences the enforcement of substantive due process in tertiary institutions in Kebbi State. On the other hand majority of the non-academic staff 64% on the average disagreed. This suggest that academic and non-academic staff differ on their perception of on the influence of corruption on enforcement of substantive due process in tertiary institutions in Kebbi State.

- RQ2: What is the perception of Academic and Non-academic staff on influence of corruption on enforcement of procedural due process in tertiary institutions in Kebbi State?

S/N	Item Statement	Academic		Non-academic	
		Agree	Disagree	Agree	Disagree
1	Corruption influences issuance of warning to erring staff in your institution	59%	41%	44%	56%
2	Corruption influences issuance of queries to erring staff in your institution	56%	44%	47%	53%
3	Corruption influences issuance of Statement of clear charges to accused staff in your institution	64%	36%	39%	61%
4	Corruption influences amount of time given to accused staff to prepare for defence	58%	42%	45%	55%
5	Corruption influences witnesses to a case against a staff in your school	57%	43%	46%	54%
6	Corruption influences impartiality of judges to cases before committees in your school	66%	34%	37%	63%
7	Corruption influences speed of judging cases in your institution	67%	37%	36%	64%
8	Corruption influences treatment of appeal cases	55%	45%	48%	53%
	Mean ( $\bar{X}$ )	60%	40%	43%	57%

Table 2: Influence of Corruption on Enforcement of Procedural Due Process in Tertiary Institutions in Kebbi State.

$N = 200$  for Academic Staff  
 $N = 280$  for Non-Academic Staff  
 $\Sigma N = 480$  Participants

Table 2 shows that majority of teachers agreed that corruption influences issuance of warning to erring staff (59%); issuance of queries (56%); issuance of charges to accused (64%); amount of time given to prepared for defense (58%); witness to the case (57%) impartiality of judges (66%); speed of judgment (67%); and treatment of appeal cases (55%). Table 2 shows that majority of Academic staff (60%) on the average agreed that corruption influences enforcement of procedural due process in tertiary institution in Kebbi State while majority of non-academic staff (57%) disagreed with all the items. This suggests that academic and non-academic staff differ in their perception on the influence of corruption on enforcement of procedural due process in tertiary institutions in Kebbi State.

### 9.1. Hypotheses Testing

Two Null hypotheses for this study were tested sequentially.

- $H_{01}$ : There is no significant difference between the perception of Academic and Non-academic staff on the influence of corruption on the enforcement of substantive due process in the management of tertiary educational institutions in Kebbi State.

Participant	Agree	Disagree	Total
Academic Staff	93 (120)	107 (80)	200
Non-academic staff	117 (90)	133 (160)	250
Total	210	240	450

Table 3: Contingency Table on Influence of Corruption on Application of Substantive Due Process.

$X^2$  calculated = 9.810

df = 1

Table value = 3.841

Table 3 shows that the calculated Chi-square value obtained (9.810) was greater than the table value of 3.841, therefore, hypothesis one, which says that there is no significant difference between Academic and Non-academic staff perception of the influence of corruption on enforcement of substantive due process in tertiary institutions in Kebbi State is rejected. Thus there is a significant difference in their views.

- $H_{02}$ : There is no significant difference between the perceptions of Academic and Non-academic staff on the influence of corruption on enforcement of procedural due process in the management of tertiary educational institutions in Kebbi State.

Participant	Agree	Disagree	Total
Academic Staff	101 (120)	99 (80)	200
Non=Academic staff	127 (108)	123 (142)	250
Total	228	222	450

Table 4: Contingency Table on Influence of Corruption on Enforcement of Procedural Due Process

$X^2$  calculated = 9.73

df = 1

$X^2$  Critical = 3.841

Table 4 shows that the calculated Chi-square value of 9.73 was greater than the critical value of 3.841, therefore, the hypothesis which stated that there is no significant difference between the perception of Academic and Non-academic staff on the influence of corruption on enforcement of procedural due process is rejected. Thus there is a significant difference in their view.

## 10. Discussion

The first finding of this study indicated that there was a significant difference between the views of Academic and Non-academic staff perception on the influence of corruption on enforcement of substantive due process in tertiary educational institutions in Kebbi State. Most of Academic staff agreed that corruption influenced enforcement of substantive due process. The Academic staffs were of the opinion that corruption influences legality of school rules as some of the rules are not strictly in line with constitutional provisions and are supposed to be null and void. They stated that some rules are vague and subject to diverse interpretations. They opined that some of the institutional rules were not satisfactorily rational and reasonable apart from the fact that they were not well disseminated as they are not properly documented in staff handbooks. The perception of Academic staff however was in line with Fisher (2017), who opined that corruption can influence substantive due process when rules are made to protect selfish motives of a group to the detriment of others. The disagreement by Non-academic staff could be because of their lower Academic qualification and inadequate intellectual knowledge of legal issues of what substantive due process entails.

The second findings of this study indicated that there was a significant difference between the views of Academic and Non-academic staff on the influence of corruption in enforcement of procedural due process in tertiary educational institutions in Kebbi State. Most of Academic staff were of the view that corruption influences the way and manner a staff is queried as in some cases no warning is issued to caution an erring staff before a query is served on him. They stated that in some cases staffs are falsely accused while sufficient time is not given for them to prepare for their defence. They maintain that corruption can influence the speed of judging cases either by rushing a trial or delaying the process of trial. Moreover, they opined that the impartiality of judges in disciplinary committees is not always guaranteed due to influence

of corruption. Moreover, they believe that even the appeal process is sometimes frustrated by a lot of bureaucratic obstacles. The perception of Academic staff confirms the views of Barrel (2015), Alexander (2018), and Jennings (2015) who opined that corruption can influence procedural due process where an individual is victimized and the need to cover up malicious deed. The Non-academic staffs however were of the contrary opinion. The difference in perception of the two groups could be accounted for the greater knowledge, experience and exposure that Academic staff had over the Non-academic on legal issues of due process.

### 11. Conclusion

Based on the findings of this study, the following conclusions were drawn.

- Corruption to some extent influenced the enforcement of substantive due process in tertiary institutions in Kebbi State. Academic staff seemed to be more enlightened than the Non-academic staff as their perception was more in line with authorities cited in the work.
- Corruption to some extent influenced the enforcement of procedural due process in tertiary institutions in Kebbi State. Academic staff tends to have or more informed perception of the issue than the Non-academic staffs as their view were more in line with those of legal authorities cited in the work.

### 12. Recommendations

Based on the findings and conclusions of study the following recommendations were made:

- School managers should scrutinize school rules from time to time to ensure that each regulations meets with the requirement of substantive due process in law. Committee on review of school to be set up to update school rules to ensure fairness and justice.
- School managers should champion the course of enforcement of procedural process so as to ensure that subordinates are given a fair hearing in passing judgement on disciplinary cases. There should also be regular workshops and symposiums to enlighten both Academic and Non-academic staff on the influence of corruption on enforcement of due process and how it can be tracked for better management of institutions.

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