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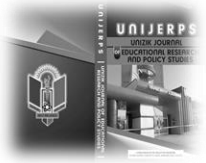
TEACHERS' AWARENESS OF TRESPASS AND THEIR WORK ATTITUDE: IMPERATIVE FOR SCHOOL ADMINISTRATORS

Offem, Odim Otu
offemodim22@gmail.com
08067081392
DEPARTMENT OF EDUCATIONAL MANAGEMENT
UNIVERSITY OF CALABAR
CALABAR
&
Prof. N. Ikediugwu
Department of Educational Management and Policy
Faculty of Education, Nnamdi Azikiwe University, Awka,
Anambra State, Nigeria

Abstract
The study to examined teachers' awareness of trespass and their work attitude as imperatives for school administrators. One research question guided the study and one hypothesis formulated and tested. A correlation research design was used for the study. The population of the study was made up of 5,840 teachers across the three educational zones of the state. An instrument titled "Teachers' Awareness of Trespass Questionnaire (TATQ) and Teacher's Attitude to Work Questionnaire (TAWQ) were used for data collection. The instrument was subjected to face validation by three experts. Cronbach Alpha was used to ascertain the reliability of the instrument. Pearson's Product Moment correlation analysis was used to answer the research question at 0.05 level of significant. The finding revealed among others that there is a significant relationship between teacher's awareness of trespass and their work attitude as an implication to school administrator. Recommendations were made based on the study.

Keywords: *Teacher's, Awareness, Trespass, Attitude and Administrators*

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Introduction

Education is a systematic process through which a child or an adult acquires knowledge, experience, skills and sound attitude for all round development and proper adjustment in the society. It is forming and regulation of principles and character in order to prepare and fit for any calling or business by systematic instruction (Onwudinjo, 2015). Education as a process of acquiring the desirable knowledge, skills and values for proper adjustment/development in the society, is a reliable instrument for development. Teachers and educators who are classroom are expected to possess certain levels of competencies which qualify them for the teaching responsibilities. Some of these competencies are embedded in the given certificate offered by the higher institutions of learning from where they graduated including; managerial competence, knowledge of the subject matter, human relations and technological competence, etc.

Secondary school education is the corner stone of educational systems as its either prepare students for higher education or equip those who may not be able to go further in education with skill to succeed as employees or entrepreneurs (Nwaukwa, 2015). In secondary schools, many teachers belief that they have the right to administer reasonable punishment or chastisement for the purpose of ensuring proper upbringing of a child as society changes, this belief and practice is no longer permitted by parents even government for teachers to punish the student minor. In schools, most teachers do not even know the common different between the word discipline and punishment.

Aniefiok and Benson (2016), maintained that the most important concern of educational institution is the learning business. In formal educational institutions, learning predominantly takes place in the classroom: a space or room where learners are taught through verbal and non-verbal approaches by a teacher.

The teachers is liable in tort (trespass) when wrongful acts complained of by the student amount to either an infringement on their rights or a breach of legal instrument for making people comply the standards of reasonable behaviour and respect the rights and interest of one another. Tortious liability has thus become a much neglected aspect of school routine operations with the result that the special relationship

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that ought to exist between a student and a teacher in a school setting is fast becoming utopic.

As a matter of fact, the risk of a teacher facing litigation in school-related lawsuit will be minimal if only he could exercise area that subject teachers to personal liability in a school or classroom setting. Teachers have legal duty to supervise the activities of their students. This necessitates knowledge of the fact that their liability may be imposed as a legal consequence of a person's action of his omission if he is under a legal duty to act (Abubakar, 2001). In the view of Oraemesi (2002), teachers could prescribe reasonable control against students' misconduct by ensuring that the punishment is commensurate with the intensity of the offence. Cognitive structuring exists that is, both teachers and students should know the rules and regulations.

Uganpa (1995) affirmed that teachers have the power vested on them by their positions in the school to take decisions that affect students' affairs while students also have the obligation to comply. However in exercising these powers, students' right must be protected. Otherwise, students may resolve to channel their grievances in an unconstitutional way when they feel that they have been cheated and unjustly treated such as could lead to arises in schools. Sewall (2003) suggested that teachers should be provided with pertinent information concerning the rights of students which associated with their work and the potential ramification of a failure to fulfill duties of instruction and supervision.

Ozokwere (2002) narrows down the liability of teachers in a school setting by illustrating that a teacher who makes a statement that exposes a student to hatred, ridicule or contempt, thereby causing him or her be shunned, avoided or having a tendency to injure him in his learning environment by lowering the student's estimation before other is liable in tort of defamation. Furthermore, she reiterates that if a teacher is proved beyond reasonable doubt that while executing his duty, he is hostile and desires to do harm , the teacher could be charged of tortuous liability. In this case, the affected student can institute action in tort claiming damages for the consequent injury.

Trespass to the person, therefore, seeks to protect personal interest by which the plaintiff is protected from

physical harm to his person (Kodilinye and Aluko, 1999).

Historically, the legal meaning of "trespass" signifies not more than ‘wrong' and its development was from the form of right of trespass which, according to Winfield and Jolowicz (1998), covered injuries to land, goods and to the person and it is actionable per sc. Salisu (2000) adds that it would appear that liability for trespass, other than trespass to land, is not strict, and acted either intentionally or negligently. Trespass to the person, as a class of tortuous liability, comprises three main aspects namely assault, Battery and false imprisonment. Kodilinye and Aluko (1999) refer to these as the most important parts. The common element in these aspects is that the wrong must be committed by "direct" means.

The deductions from the foregoing are that trespass to the person originated from the right of trespass which protects property, economic and personal interests and that the three elements by which this class of tortuous liability is identified having a common feature of direct interference with the injured party. A look at some various aspects of trespass to the person as they apply to the school system, as well as relevant cases, will amplify the explanation of the concept.

Teachers and students are necessary inputs into the educational system without them no school can function. This bring them into a special relationship by law as ‘good neighbours; Nakpodia (2011) added that teachers owed their students a duty of care to protect them from any avoidable danger.A teacher owes a duty of care to his student and is expected to do all within his powers following set standards to ensure that his students do not suffer injury as a result of his failure to act when known risk exist. A teacher’s performance will be judged against the actions likely to have been taken by any competent member of the same profession under the same circumstance. Mowat (1998) added that “a professional must exercise such skills, prudence and diligence as professional of ordinary skill and capacity commonly possess and exercise”

Szemerenyi and Gold (1999) content that teachers should act as students’ escort where police is not available when potential danger is sensed especially after school hours.

According to Yaroson and Zaria (2004), in this age of school violence, and


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disruption, teachers have the legal power to discipline students as a reasonable parent would do in the same circumstance. However, teachers must be aware of the legal implication of their actions and decision when dealing with students in educational matters.

In recent times, there were reported cases of students who suffered physical, emotional and psychological injuries due to the defamation, conversation, trespass, negligence, and misrepresentation acts of their teachers and as a result of deliberate and dishonest abuse of power. However, parents are now more concerned with how the school treat their children Ehimhen (2014). Moreover, students and some parents are now more enlightened and are ready to address their matters in the court over any act of infringement on the right of their children (student) or their wards.

Purpose of the study

The main purpose of the study is to determine teachers' awareness of defamation and their work attitude

Research question

This study is guided by one research question

1. What is the relationship between teachers awareness of trespass and their work attitude?

Research hypothesis

Onehypothesis was formulated for direct the study

Ho_1: There was no significant relationship between teachers' awareness of trespass and their work attitude

Methods

Research Design

The study adopted a correlation design because the study aims at determining, teachers' awareness of their tortuous liability as a correlate of their work attitude in Cross River State public secondary schools as an implication for educational administrators. The study use questionnaire to explore and elicit the opinions of a sample of secondary school teachers, in relation to their' awareness of trespass and their work attitude.

Awotunde and Ugodelunwa in Uche (2017), the correlation design seeks to establish what relationship exists between two or more variables. A correlation study seeks to determine the extent, direction and a magnitude

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relationship between two or more variables.

Area of the Study

The area of study is Cross River State. Cross River State is one of the states in the Federal Republic of Nigeria. It was carved out of the former south-eastern state.

Cross River State is located between longitude $7^0$5' and $9^0$28' North. The state is made up of eighteen local government areas with Calabar as the capital city. It has a land mass of approximately 23,074, 425 square kilometers with an estimated population of 3,866,269 (Bureau of statistic 2016).

Population of the Study

The population of the study is 5843, teachers in Cross River State. It comprises of male teachers (2258) and female teachers (3585) in the three Education Zones of Cross River State. Data were obtained from the Cross River state Post-Primary School Management Board (CRSPPSMB 2017).

Sample and Sampling Technique

A sample of four hundred (400) teachers was used for the study. To have a fair distribution of the sample, a combination of stratified sampling and simple random sampling techniques were employed to reduce the population to a manageable size. This was done to ensure that each sub-group of the population participates in the study. To do this, the schools were stratified on the basis of three (3) Education Zones. A total number of 80 schools were involved in the study with 400 respondents consisting of 150 male teachers and 250 female teachers

Instrument for Data Collection

The research used a set of the questionnaire as the instrument for data collection. The instrument is titled Teachers Awareness of Trespass Questionnaire (TATQ) and Attitude to Work Questionnaire (TAWQ) served as the instrument for the study. They embodied items were derived from literature review based on the research questions. The questionnaire was constructed by the researcher with the help of his supervisor and others research experts.

The questionnaire was structured in three parts. Part one covered demographic information such as rank or position, respondent's gender etc. Part two consisted of 30 items grouped into five different clusters consisting of six items in each cluster. These items were structured on a 4 – point likert scale model ranging from strongly agree to

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strongly disagree. Likert scale is a nominal scale that is non-parametric statistics. Hence numerical values were assigned to each response thus: strongly agree (SA) = 4 points, Agree (A) = 3 points, Disagree (D) = 2 Points and Strongly Disagree (SD) = 1 point.

Validation of the Instrument

In order to determine the face and content validity of the questionnaire, the researcher made consultations with two experts from department of Educational Management and Policy, one expert in law from the Faculty of Law and one copy of a questionnaire to an expert in Measurement and Evaluation unit from Nnamdi Azikiwe University, Awka. They were furnished with the purpose of the study, research questions and hypotheses and were asked to comment on the effectiveness and adequacy of the instrument.

Reliability of the Instrument

The questionnaire was separately administered on a sample of 20 teachers in AkwaIbom State .The researcher purposively chooses AkwaIbom State for the fact that it shares a common boundary with Cross River state and has similarity in secondary educational policies and administration.

The scores were analysed using Cronbach Coefficient Alpha reliability analysis scale. The researcher conducted a trial test using the Cronbach Coefficient Alpha of establishing the reliability of the instrument adequacy because Cronbach Alpha is the current widely used procedures for estimating the internal reliability of survey instrument. Reliability estimates of 0.71 and 0.79 were obtained for section A and B respectively. The overall reliability coefficient of 0.81 was obtained, hence, the instrument adjudged reliable for the study.

Method of Data Collection

The total number of 400 questionnaire was administered to the respondents on a face-to-face basis by the researcher and three (3) research assistants. The research assistant was from each of the three (3) Educational Zones and was briefed for three days on the study purpose and how to politely approach the selected respondents to administer and collect the filled copies of the questionnaire. And the total number of 400 questionnaires was equally returned.

Method of Data Analysis

The research questions were answered and postulated null hypotheses

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tested using the following method: Pearson Product Moment Correlation analysis was used to answer the research questions, while inferential statistics(Pearson Correlation Co-efficient analysis) was used to test the hypotheses at 0.05 level of significance.

Presentation/result

Hypothesis: There was no significant relationship between teachers' awareness of trespass and their work attitude

Table 1: Pearson's Correlation Co-Efficient Of Teachers' Awareness Of Trespass And Their Work Attitude

Variables	N	Mean	Std. Deviation	rxy	Relationship
Awareness of trespass (X)		17.71	1.89		
	400			.71*	Strong positive relationship
Teachers' work attitude (Y)		28.85	1.83		

N = Total number of teachers.

Table III indicates a correlation value of 0.71 showing a strong positive relationship between the dependent and independent variables. This is to say that teachers' awareness of trespass was a strong factor in determining their work attitude. This further means that the more teachers are aware of trespass, the more favourable their work attitude and the fewer teachers are aware of trespass, the less favourable their attitude to work.

Discussion

The relationship between teachers' awareness of trespass and their work attitude:

This research question sought to examine the relationship that exists between the teachers awareness of

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trespass and their work attitude. Table 111, indicates that teachers were aware of trespass as a tortuous liability. They were, however, unaware that unreasonable detention of students inside or outside an enclosure makes them suffer loss or harm, and that inflicting bodily injury on students in the cause of punishment is trespass. The correlation coefficient 0.71 which indicates a strong positive relationship between principals and teachers awareness of trespass and their work attitude. Therefore, teachers are charge with each responsibility for maintaining order and discipline. Teachers, under the direction of their principals, are required to maintain order and discipline in the classroom and in school premises. Students have a corresponding duty to exercise self-discipline and to accept teachers' conduct at school, at any school-sponsored event. Kodilinye and Aluko (1999) found out that trespass to person seeks to protect personal interest by which the plaintiff is protected from physical harm to his person. Winfield and Jolowicz (1998) revealed that protection and safe guarding of person's interest therefore becomes the prerogative of the law of torts. This interest include personal and property interest, interest in reputation, in family relations and economic relations, interference with judicial processes well as miscellaneous interest. Salisu (2000) also revealed that liability for trespass other than trespass to land is not strict, and acted either intentionally or negligently. Salisu further affirmed that trespass to the person is a class of tortuous liability, comprises three main aspects namely assault, battery and false imprisonment. Winfield and Jolowicz (1998) indicated that trespass to the person covered injuries to land, goods and to the person and it is actionable.

The result from the analysis revealed that the relationship between teachers awareness of trespass and their work attitude was positive. This means that the more teachers were aware of trespass as a tortuous liability, the more their work attitude is likely to improve and vice versa. More specifically, teachers flog students for the wrong behaviour without regards to their personal safety, the physical punishment inflicted on students is in excess of the offences committed, and school authorities often intimidate or threaten students with severe punishment for disciplinary offences. All these behaviours exhibited by teachers are reminiscent of the tort of trespass which

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has the capacity of causing injury to the plaintiff as well as payment for damage.

Conclusion

Most teachers are not aware laydown rules guiding effective functioning of school. To this end major abuses the rights of the students.

Recommendations

Based on study findings, it was recommended that;

1. Government/principal of schools should organize regular work on human right (students) for the teachers to avoid student's right abuse.
2. Teachers should know area of functions

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