



## PRINCIPALS' ADMINISTRATION OF SCHOOL PUNISHMENT AND STUDENTS LEGAL RIGHT TO FAIR HEARING IN PUBLIC SECONDARY SCHOOLS IN CROSS STATE, NIGERIA

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### **Abstract**

*This study examined the influence of principals' administration of school punishment and students' legal right to fair hearing in Cross River State secondary schools, Nigeria. Six research questions and six null hypotheses were formulated to guide the study. The study adopted ex-post facto research design since the effects of the independent variables had already occurred before the time of the investigation. The study adopted Census approach and all 260 principals (212 males and 48 females) in all the area were used for the study. The data for the study were collected through the use of two sets of questionnaire designed by the researcher. The reliability of the instruments were determined using Cronbach alpha reliability method, which yielded coefficients that ranged from .73 to .89, for the scale and its subscales. Data collection was done personally by the researcher after the principals were appropriately consulted and agreements made on the time of administering the questionnaires. Data was analyzed using descriptive statistics and One-way Analysis of Variance tested at .05 level of significance. The result of the analysis revealed that principals' administration of physical punishment, detention, imposition and discrimination had a significant negative influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. The result further revealed that principals' administration of suspension and expulsion had a significant positive influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. Based on these, it was recommended among others that defendants should be permitted to confront their accusers instead of spanking those accused of breaking the school rules and students should not be excluded from school activities on the basis of skin colour, disabilities and students should be punished equally. (Word count: 303)*

### **Introduction**

The right to fair hearing guarantees for every citizen the constitutional safeguards of natural justice. That in the determination of the civil rights of a citizen, he must be given the opportunity to be heard and that no man should be judge in his own matter. The school community has become increasingly more sophisticated; parents and school children have also become more conscious of their fundamental human right. Consequently, greater challenges to school authority from enlightened parents and exuberant but knowledgeable youth may frequently arise. Equally, problematic is the discretion of power that is given to school officials to restrict the efforts of students to express themselves freely in the school environment. This largely circumscribes the students' freedom to express their views, especially those that would be contrary to the beliefs and opinion of the board members. Consequently, students' attitude and behaviour are largely determined by adults with the result that the school produces rules and ideas that often exclude students' voices. However, the school principal may administer corporal punishment on students and take no responsibility for consequences arising there from, where his action is reasonable and void of malice. He is also unanswerable to the tort of assault



and battery or the crime of assault where no malice is imputable and the corporal punishment was meted out bona fide and reasonably. Another dimension of students' fair hearing violation occurs when the school administrator is biased in his/her judgments, and arbitrarily rewarding students with physical punishment and expulsion from school. Recently, in the area under investigation, a Vice Principal of Duke Town Secondary School Calabar was confronted by a father on 12<sup>th</sup> December 2016, with two policemen, reporting that his daughter (name withheld), a 12-year-old Form one student was flogged with a cane on the ground of noise making. She collapsed and became unconscious for 24 hours and later died on that same day at mid night. Using punishment to hinder students' right to provide evidence, right to witnesses, and right to preparation before appearing before school disciplinary committee is a breach of fair hearing in the school system. It is an act of disobeying a law or contravening a legal order. In one hand, wilful violation of students' legal right to fair hearing occurs when the violator either deliberately failed to comply with a legal requirement or acted with plain indifference against the safety of students. While serious violation exists when the environment for learning is in hazard condition which could cause an accident or illness that would most likely result in death or serious physical harm. Nakpodia (2011) stated that there are practices in the school system that tends to violate the fundamental human rights of students. He stated further that in section 32-42 of chapter IV of the 1999 Constitution of the Federal Republic of Nigeria is enshrined the fundamental human rights of the citizens. He therefore summarized that, it is of great importance that educational administrators and teachers should have accurate knowledge of the constitutional rights of the citizen, and the knowledge of the students' fundamental human rights to fair hearing before the administration of punishment. The principle of fair hearing cannot be divorced from the broad heading of human rights which is today a universal concept. The meaning of fair hearing is not one-way traffic as well, different meaning and different descriptions have been offered towards a clear grasp of what the concept of fair hearing connotes. A cursory look at the provisions of the 1999 constitution of the Federal Republic of Nigeria gives a clear view of the concept. Section thirty-six (36). subsection one (1) of the constitution provides that: "In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and independence and impartiality. (p.56). It is clear from the foregoing provisions and the whole of Section 36 generally stated' that a party to a suit either in civil or criminal matters must be given fair hearing within a reasonable time and in public except where and when it will be contrary to public safety and public morality. The provision extends further to state that parties to a suit be afforded opportunity to make representation to the authority before any decision is made and be entitled to defend himself in person or by legal practitioners of his own choice. Fair hearing means a judicial proceeding that is conducted in such a manner as to conform to fundamental concepts of justice and equality. During fair hearing, authority is exercised according to the principle of due process of law. Fair hearing therefore means that an individual will have an opportunity to present evidence to support his or her case and to discover what evidence exists against him or her. Fair hearing is regarded as a hearing that is granted in extraordinary situations where the normal judicial process would be adequate to secure due process because the person would be harmed or denied their rights before a judicial remedy became available, that is, deportation or loss of welfare benefit. The right to fair hearing requires that individual students should not be penalized by decision affecting their rights or legitimate expectations unless they have been given prior notice of the case, a fair opportunity to present their own case. The mere fact that a decision affects rights or interest is sufficient to subject the decision to the procedures required by natural justice. In Europe, as found in the right to fair hearing is guaranteed by Article six (6), subsection one (1) of the European, convention on Human Rights, which is said to complement the common law



### Statement of the problem

The Nigerian constitution contains fundamental rights made up of inalienable and supreme rights of all individuals. With the Nigerian society becoming rapidly developed, educational stakeholders including students are more conscious of certain rights described by law as fundamental rights of the citizens. This state of affairs has led to more litigation in secondary schools. In Cross River State, there has been an alarming increase of students' brutality and violation of students' rights, especially rights to fair hearing. This is now a source of worry to parents and the general public, especially when the major focus of the violations seems to be on the principals' poor awareness of either their own rights or the rights of the students under their control. The trend of violation of students' legal right to fair hearing has become an issue that has received various attentions in Nigeria. Instead of serving as the epitome of justice and character moulding, some Principals and teachers have turned the educational industry into a breeding ground for violating students' constitutional rights by using punishment as an instrument for correction. In some schools, students are no longer given chances to defend themselves through fair hearing before being found guilty. It is a fact that what the law seeks to achieve for all is justice and justice must be done in the secondary school system by all means. As violation of students' legal right to fair hearing continued, Cross River State government in an attempt to salvage and prevent this ugly report domesticated the Child Right Act in 2004. The Act specifies the responsibilities of children, the duties of families, the obligations of government and obliged school administrators to uphold children's legal rights. Despite the establishment of Child Right Act and other related matters in the Act of 2004, the nagging issue of frequent report of school punishment on students as an instrument for correction is prevalent particularly amongst senior secondary school students in the three Education Zone of Cross River State still seems to persist. It is very common these days to see parents' presence in the school with security personnel for revenge or inquiry for what a student may have done to warrant certain degree of punishment. Violation of students' right to fair hearing using punishment as an instrument is the major concern of this study, since it could be detrimental to the success of the secondary school system. It is on this premise that the researcher decided to find out how principals' administration of school punishment influences students' legal right to fair hearing in public secondary schools in Cross River State, Nigeria?

### Purpose of the study

The main purpose of this study was to investigate principals' administration of school punishment and students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation in Cross River State secondary schools, Nigeria. Specifically, this study examined the extent to which Principals' administration of:

1. Physical punishment influences students' legal right to fair hearing in terms of right to evidence; witnesses and preparation.
2. Suspension from school influences students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation.
3. Detention after school influences students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation.
4. Expulsion from school influences students' legal right to fair hearing in term of right to evidence; right to witnesses and right to preparation.
5. Imposition at school influences students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation.
6. Discrimination at school influences students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation.



## **Research questions**

The study was guided by the following research questions:

1. To what extent does Principals' administration of physical punishment influence students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation?
2. How does Principals' administration of suspension influence students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation?
3. To what extent does Principals' administration of detention after school influence students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation?
4. How does Principals' administration of expulsion influence students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation?
5. To what extent does Principals' administration of imposition at school influence students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation?
6. To what extent does Principals' administration of discrimination at school influence students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation?

## **1.6 Hypotheses**

1. There is no significant influence of Principals' administration of physical punishment on students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation.
2. There is no significant influence of Principals' administration of suspension on students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation.
3. There is no significant influence of Principals' administration of detention on students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation.
4. There is no significant influence of Principals' administration of expulsion on students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation.
5. There is no significant influence of Principals' administration of imposition on students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation.
6. There is no significant influence of Principals' administration of discrimination on students' legal right to fair hearing in terms of right to evidence; right to witnesses and right to preparation. Xxx

## **1.7 Significance of the study**

The findings of this study will be of immense benefits to school principals teachers, students, parents, educational inspectors and supervisors, policy makers and analysts, law courts of competent jurisdiction and school disciplinary committee, instructional design theorists, and media practitioners will as well find this research invaluable in attempting to revitalize the falling standard of education in Nigeria.

School principals concerned with the protection of human rights and the effective implementation of educational policies and programmes, will find this study very essential in the application of the constitutional provisions equally to every

## **Resesrch Methodology**

This chapter focused on the methods and procedures used in the study. The chapter was presented under the following sub-headings:

- 3.1 Research design
- 3.2 Area of the study
- 3.3 Population of the study



- 3.4 Sampling technique
- 3.5 Sample
- 3.6 Instrumentation
  - 3.6.1 Validity of the instrument
  - 3.6.2 Reliability of the instrument
- 3.7 Procedure for data collection
- 3.8 Procedure for data preparation and scoring
- 3.9 Procedure for data analyses
- 3.10 Operational definitions of research variables.

### 3.1 Research design

This study adopted a survey research design. The design was chosen because the effects of the independent variables had already occurred before the time of the investigation. Hence, the independent variables are not manipulatable by the investigator. In this study, principals' administration of school punishment in Cross River State was studied to determine its influence on students' legal right to fair hearing.

### 3.2 Area of the study

Cross River State is the study area. It is one of the thirty six (36) states of Nigeria. There are eighteen (18) Local Government Areas in the State. These include: Calabar Municipality, Calabar South, Akpabuyo, Bakassi, Akamkpa, Odukpani, Abi, Biase, Yakurr, Ikom, Obubra, Yala, Bekwarra, Ogoja, Etung, Boki, Obudu and Obanliku.

For political expediency, the state is divided into six geopolitical zones, and Cross River State is in the South-South zone of the political configuration. In geographical parlance, the state is located in the Niger Delta axis of the country which qualifies her as a member state of the Niger Delta family. Cross River State lies between longitudes 7°50' and 9°23' East of the Greenwich Meridian and latitudes 5°23' and 4°27' North of the Equator. The state is bounded on the north by Benue, in the south by Akwa Ibom State and Atlantic Ocean, on the East by Cameroon and in the west by Ebonyi State and Calabar River. It covers a land area of about 1986.306 square kilometres. On 27 May 1967, the Federal Government of Nigeria then headed by General Yakubu Gowon (Rtd) created twelve states which included the South-eastern State with Calabar as the Capital. The name South-Eastern State was changed on February 3<sup>rd</sup> 1976 by the late military Head of State, General Murtala Mohammed to Cross River State. On September 23, 1987, the military government under the leadership of General Ibrahim Babangida (Rtd) carved out Akwa Ibom State from Cross River State. Calabar, the capital of Cross River State is an ancient city with rich cultural artifacts spanning over three centuries. It was once the headquarters of the southern protectorates, when Nigeria was divided into the southern and northern protectorates. The two protectorates were later amalgamated into one country in 1914 by Lord Lugard, the administrator of the two protectorates which was later named Nigeria. Historically, Calabar also served at its inception in 1967 as the capital of Nigeria. For educational and administrative purposes, Cross River State is divided into three zones namely, Ogoja, Ikom and Calabar educational zones. The major ethnic groups that constitute Cross River State are the Eiiiks, Bekwarra and Ejagham. The state is multicultural, multi-lingual and multi-religious, but the current dominant religion is Christianity. The estimated population based on the average annual growth rate of 2.03 percent is 2,389, 813 (NPC, 2015:12). The population as at December 2007 was 2,888,966. The gender distribution of the population based on 2007 NPC estimate was 50.03 (1,492,465) for males and 49.97 percent (1,396,501) for female. Cross River State is a tourist state with notable tourism sites such as Obudu Ranch Resort, The Tinapa Resort, the Export Processing Zone, Old Museum and Monument, Agbokim Waterfalls, Kwa falls, the Carved Monoliths in Nkarasi-Ikom, Etankpini Cave in Odukpani, Cross River State National Park, Obubra Lake, among others. The state has a rich cultural heritage, which is very captivating, having





expression in their languages, dances and festivals. The southern part of the State is made up of rich mangrove and rainforest belts consisting of large broad leafed evergreen trees of 50-100 species per square kilometre (Uzoigwe, 2017). The area is a typical rainforest with a dense layered tree canopy. The rainforest yields good habitats for wild animals and birds. This forest also provides veritable habitats for timber and non-timber forest products (NTFPs). The climatic condition within "Cross River State is of the seasonal tropical climate characterized by the four observed seasons which include, the long rainy season (March to September). Lol The short dry season (August break), the short rainy season (September to October) and the long dry season (October to February) in that order. The socio-economic activities of the people in the central and northern parts of Cross River are predominantly farmers. Food crops include; plantain, banana, cassava, yams, cocoyam, and maize which are processed and sold to generate revenue. The state also has various industries such as Calabar Wood Industry now called Lafarge, system Metals, Flour Mill Company, United Cement (UNICEM). The people of Cross River State are always hospitable and are diverse cultural heritage.

3. Right to fair hearing	Low	74	39.05	13.20
	Moderate	84	41.68	8.67
	High	(i t> 0 i>	50.26	5.58
	Total	246	43.96	10.57

Source: Field work, August, 2022

TABLE 16  
One-way Analysis of Variance of the influence of administration of expulsion on right to fair hearing

Variables	Source of variance	Sum of squares	df	Mean square	F-ratio	p-level
Right' to evidence	Between groups	504.702	2	252.351	20.411*	.000
	Within groups	3004.257	243	12.363		
	Total	3508.959	245			
Right to witness	Between groups	679.955	2	339.977	29.910*	.000
	Within groups	2762.127	243	11.367		
	Total	3442.081	245			
Right to preparation	Between groups	737.155	2	368.577	32.767*	.000
	Within groups	2733.382	243	11.248		
	Total	3470.537	245			
Right to fair hearing	Between groups	5712.500	2	2856.250	32.045*	.000
	Within groups	21659.094	243	89.132		
	Total	27371.593	245			

2 2856.250 32.045\* .000 243 89.132 245 \*Significant at .05 alpha level: p<.05. Source: Field work, August, 2022

Furthermore, the result revealed that when right to preparation was considered, the 74 principals who exhibit low level of expulsion had a mean score of 12.81 with a standard deviation of 4.57 which is lower than the mean score of 13.83 with a standard deviation of 3.25 obtained by the 84 principals



who exhibit moderate level of expulsion and this is also lower than the mean score of 16.86 with a standard deviation of 2.00 obtained by the 88 principals who exhibit high level of detention. This means that the higher the principals' administration of expulsion, the higher the right to preparation. The result finally revealed" that when right to fair hearing was considered, the 74 principals who exhibit low level of detention had a mean score of 39.05 with a standard deviation of 13.20 which is lower than the mean score of 41.68 with a standard deviation of 8.67 obtained by the 84 principals who exhibit moderate level of expulsion and this is also lower than the mean score of 50.26 with a standard deviation of 5.58 obtained by the 88 principals who exhibit high level of expulsion. This then means that the higher the principals' administration of expulsion, the higher the right to fair hearing. The result of the One-way Analysis of Variance in Table 16 that was used in testing the hypothesis showed that the F-ratios of 20.411, 29.910, 32.767 and 32.045 were produced for right to evidence, right to witness, right to preparation and right to fair hearing respectively at 2 and 243 degrees of freedom were all statistically significant at .05 level since all the p-values were all less than .05. These results indicated that the null hypothesis that speculated that there is no significant influence of principals' administration of expulsion on students' right to fair hearing was rejected for all the various dimensions and overall right to fair hearing. These then imply that principals' administration of expulsion had a significant positive influence on students' right to fair hearing. Given the significant F-ratios, a post hoc test analysis was conducted using the Fishers' Least Significant Difference (LSD) multiple comparison test to check for the source of the difference. The result is presented on Table 17. Examination of the result on Table 17 showed that the subjects' right to fair hearing, in terms of right to evidence, it showed that the subjects who exhibit low level of expulsion had a lower mean when compared with those who exhibit moderate level of expulsion but the mean difference was not statistically significant ( $MD = -.49$ ;  $p > .05$ ) but they had a significant lower mean when compared with those who exhibit high level of expulsion ( $MD = -3.22$ ;  $p < .05$ ). Other pair wise comparison also showed that the subjects who exhibit moderate level of expulsion had a significant lower mean on right to evidence when compared with those who exhibit high level of expulsion ( $MD = -2.73$ ;  $p < .05$ ). Based on these, the source of the difference as regards the right to evidence was basically from the subjects who exhibit high level of expulsion. In the same vein, for right to witness, the result showed that the subjects who exhibit low level of expulsion had a significant lower mean when compared with those who exhibit moderate level of expulsion ( $MD = -1.11$ ;  $p < .05$ ) and when compared with those who exhibit high level of expulsion ( $MD = -3.93$   $p < .05$ ). Other pair wise comparison also showed that the subjects who exhibit moderate level of expulsion had a significant lower mean on right to witness when compared with those who exhibit high level of expulsion ( $MD = -2.82$ ;  $p < .05$ ). Based on these, the source of the difference as regards the right to witness was basically from all the various categories of administration of expulsion.

TABLE 17

Fisher's Least Significance Difference (LSD) multi-comparison test analysis of the influence of administration of expulsion on right to fair hearing

Dependent Variable	(I) Expulsion	(J) Expulsion	Mean Difference (I-J)	p-level
Right to evidence	Low	Moderate	-.49	.378
		High	-3.22*	.000
	Moderate	Low	.49	.378
		High	-2.73*	.000
	High	Low	3.22*	.000
		Moderate	2.73*	.000
Right to witness	Low	Moderate	-1.11*	.040
		High	-3.93*	.000



Right to preparation	Moderate	Low	1.11*	.040
		High	-2.82*	.000
	High	Low	3.93*	.000
		Moderate	2.82*	.000
	Low	Moderate	-1.02	.057
		High	-4.05*	.000
Right to fair hearing	Moderate	Low	1.02	.057
		High	-3.03*	.000
	High	Low	4.05*	.000
		Moderate	3.03*	.000
	Low	Moderate	-2.62	.082
		High	-11.21*	.000
	Moderate	Low	2.62	.082
		High	-8.58*	.000
	High	Low	11.21*	.000
		Moderate	8.58*	.000

\*Mean difference is significant at the .05 level;  $p < .05$ . Source: Field work, August, 2022

Furthermore, for right to preparation, the result showed that the subjects who exhibit low level of expulsion had a lower mean when compared with those who exhibit moderate level of expulsion but the mean difference was not statistically significant ( $MD = -1.02$ ;  $p > .05$ ) while they had a significant lower mean when compared with those who exhibit high level of expulsion ( $MD = -4.05$ ;  $p < .05$ ). Other pair wise comparison further showed that the subjects who exhibit moderate level of expulsion had a significant lower mean on right to preparation when compared with those who exhibit high level of expulsion ( $MD = -3.03$ ;  $p < .05$ ). Based on these, the source of the difference as regards the right to preparation was basically from the subjects who exhibit high level of expulsion. Finally, for right to fair hearing, the result showed that the subjects who exhibit low level of expulsion had a lower mean when compared with those who exhibit moderate level of expulsion but the mean difference was not statistically significant ( $MD = -2.62$ ;  $p > .05$ ) while they had a significant lower mean when compared with those who exhibit high level of expulsion ( $MD = -11.21$ ;  $p < .05$ ). Other pair wise comparison also showed that the subjects who exhibit moderate level of expulsion had a significant lower mean on right to fair hearing when compared with those who exhibit high level of expulsion ( $MD = -8.58$ ;  $p < .05$ ). Based on these, the source of the difference as regards the right to fair hearing was basically from the subjects who exhibit high level of expulsion.

Hypothesis five There is no significant influence of principals' administration of imposition at school on students' right to fair hearing. The independent variable in this hypothesis was principals' administration of imposition while the dependent variable was students' right to fair hearing which was classified into right to evidence, right to witness and right to preparation with right to fair hearing as the overall. Based on the six items that measured principals' administration of imposition, subjects who scored from 6-11 were classified as being low while those who scored from 12 - 18 were classified as being moderate and those who scored from 19 - 24 were classified as being high. In testing this hypothesis, the mean scores of the subjects as regards right to fair hearing were compared across those who had low, moderate and high level in administration of imposition using One-way Analysis of Variance. The results of the analyses are presented in Tables 18 and 19. The result of the analysis in Table 18 shows the summary of the descriptive statistics of right to fair hearing, based on principals' administration of imposition. Examination of the table revealed that when right to evidence was considered, the 78 principals who exhibit low level of imposition had a mean score of 17.05 with a standard deviation of





1.82 which is greater than the mean score of 15.04 with a standard deviation of 3.26 obtained by the 119 principals who exhibit moderate level of imposition and this is also greater than the mean score of 11.85 with a standard deviation of 5.02 obtained by the 48 principals who exhibit high level of imposition. This means that the higher the principals' administration of imposition, the lower the right to evidence. The result further revealed that when right to witness was considered, the 79 principals who exhibit low level of imposition had a mean score of 16.71 with a standard deviation of 2.44 which is greater than the mean score of 14.06 with a standard deviation of 3.07 obtained by the 119 principals who exhibit moderate level of imposition and this is also greater than the mean score of 10.83 with a standard deviation of 4.19 obtained by the 48 principals who exhibit high level of imposition. This means that the higher the principals' administration of imposition, the lower the right to witness.

**TABLE 18**

Summary of descriptive statistics for administration of imposition and right to fair hearing

Variable	Level of administration	N of imposition	Mean	SD
Right to evidence	Low	79	17.05	1.82
Moderate		119	15.04	3.26
High		48	11.85	5.02
Total		246	15.07	3.78
Right to witness	Low	79	16.71	2.44
Moderate		119	14.06	3.07
High		48	10.83	4.19
Total		246	14.28	3.75
Right to preparation	Low	79	16.96	2.05
Moderate		119	14.34	3.17
High		48	11.40	4.65
Total		246	14.61	3.76
Right to fair hearing	Low	79	50.72	5.05
Moderate		119	43.45	8.46
High		48	34.08	13.54
Total		246	43.96	10.57

Source; Field work, August, 2022



TABLE 19

One-way Analysis of Variance of the influence of administration of imposition on right to fair hearing

Variables	Source of variance	Sum of squares	df	Mean	F-ratio	p-level square
Right to evidence	Between groups	806.393	2	403.196	36.263*	.000
	Within groups	2702.567	243	11.122		
	Total	3508.959	245			
Right to witness	Between groups	1041.649	2	520.824	52.724*	.000
	Within groups	2400.433	243	9.878		
	Total	3442.081	245			
Right- to preparation	Between groups	941.297	2	470.649	45.218*	.000
	Within groups	2529.239	243	10.408		
	Total	3470.537	245			
Right to fair hearing	Between groups	8324.558	2	4162.279	53.102*	.000
	Within groups	19047.036	243	78.383		
	Total	27371.593	245			

\*Significant at .05 alpha level;  $p < .05$ . Source: Field work, August, 2022 Furthermore, for right to preparation, the result showed that the subjects who exhibit low level of discrimination had a significant lower mean when compared with those who exhibit moderate level of discrimination ( $MD=2.01$ ;  $p < .05$ ) and when compared with those who exhibit high level of discrimination ( $MD=4.81$ ;  $p < .05$ ). Other pair wise comparison further showed that the subjects who exhibit moderate level of discrimination had a significant lower mean on right to preparation when compared with those who exhibit high level of discrimination ( $MD=2.80$ ;  $p < .05$ ). Based on these, the source of the difference as regards the right to preparation was basically from all the various categories of administration of discrimination. Finally, for right to fair hearing, the result showed that the subjects who exhibit low level of discrimination had a significant lower mean when compared with those who exhibit moderate level of discrimination ( $MD=5.09$ ;  $p < .05$ ) and when compared with those who exhibit high level of discrimination ( $MD=14.46$ ;  $p < .05$ ). Other pair wise comparison also showed that the subjects who exhibit moderate level of discrimination had a significant lower mean on right to fair hearing when compared with those who exhibit high level of discrimination ( $MD=9.37$ ;  $p < .05$ ). Based on these, the source of the difference as regards the right to fair hearing was basically from all the various categories of administration of discrimination.

**Discussion of findings** This section is concerned with the discussion of findings that emerged from the analyses. The discussion is presented as follows according to the hypotheses of the study.

**Principals' administration of physical punishment and students' right to fair hearing in Cross River State** The result of the first hypothesis revealed that principals' administration of physical punishment had a significant negative influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. This can be attributed to the fact that most of the school principals in the area do not give attention to the students who might have committed one offence or the other rather they easily use their cane on the students which usually infringes in the back and buttocks of the students. In verifying the source of the difference in students' right to fair



hearing in Cross River State with regards to their level of principals' administration of physical punishment, it was observed that the source of the difference as regards the right to evidence was basically from the subjects who exhibited high level of administration of physical punishment which can be attributed to the fact that when a student commit any offence in the school, they don't give them the right to show evidence to justify their claim, rather they easily use cane as a form of punishment for the offence they are being accused of. On the other hand, as regards to right to witness, right to preparation and right to fair hearing, it goes in line with right to evidence because if they can't give right to evidence, they will definitely not give right to witness, right to preparation and right to fair hearing. Physical punishment is detrimental and cannot create a sustainable and a healthy school environment because students are not permitted to air their views during the course of administering physical punishment.

The finding of this study is in line with that of the study by Adair (2017) who investigated the perceived influence of physical punishment on students' academic performance in South African secondary schools and found out that physical punishment affected the children's access to high quality education and created as

Principals' administration of imposition and students' right to fair hearing in Cross River State. punishing the children by t to preparation as well as right to fair hearing in Cross River State. The result also revealed that principals' administration of imposition had a significant negative influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. The result finally revealed that principals' administration of discrimination had a significant negative influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State.

## **Conclusion**

Based on the data collected and analyzed, it was concluded that principals' administration of physical punishment had a great influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. It was also concluded that principals' administration of suspension had a great influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. It was further concluded that principals' administration of detention had a great influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. Furthermore, it was concluded that principals' administration of expulsion had a great influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. It was also concluded that principals' administration of imposition had a great influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. It was finally concluded that principals' administration of discrimination had a great influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State.

## **Recommendations**

Based on the findings, the following recommendations were considered necessary.

1. Defendants should be permitted to confront their accusers instead of spanking those accused of breaking the school rules and regulation.
2. Students should be permitted to protect vulnerable witnesses before suspending them from classes.
3. Defaulters should be allowed to challenge the testimonies offered by the witness before remanding them in school for violating school rules.



4. Students should always be given the chance to present witnesses before being expelled from the school.
5. Facts and the legal procedures of cases should be properly considered while facing disciplinary committee.

Beating, scolding, abusing and violating their legal right of fair hearing. The finding of this study is in line with that of the study by Ejeh (2015) which assessed principals' violation of students' rights in secondary schools through imposition in Kogi State Nigeria by finding out the extent to which the principals are aware of students rights, confirm the extent to which students right to life, dignity of human person, right to personal liberty, right to fair hearing are being violated by teachers and principals and whose result revealed that to a great extent principals are not generally aware of students rights and therefore violated students right to life, dignity of human person, right to personal liberty and right to fair hearing by imposing any kind of disciplinary measures of his choice on the students. The result of this study also agreed with that of Rodriguez (2014) who carried out a study on the influence of school punishment in terms of imposition and suspension in Bangladesh and the findings revealed that what actually propelled students to seek redress from the court of law especially in this 21<sup>st</sup> century was the arbitrary violation of their legal right to fair hearing before being imposed to face school punishment and that restorative justice has significant relationship with right to fair hearing. The finding also concur with the study by Kogirroid and Moven (2017) who worked on the dependent outcome of right to fair hearing and avoid victimization: an empirical assessment of administrators' supervision capacity in Yugoslavia and found out that humiliation which is an outcome of imposition correlated with poor satisfactory rating of school climate. This implies that the excessive use of exclusionary discipline has a negative impact on the learning environment, student achievement, graduation, rates, and rates of juvenile crime and delinquency. The finding is also in line with the study by Akbar (2013) who investigated the nature and impact of imposition punishment in Miani-Dade country in Pakistan by evaluating a multitude of reasons why districts were rethinking imposition as an inclusionary disciplinary policy that feeds the school-to-prison pipeline, yet they do not seem to be effective and found out that students did not have moderate intention to be imposed to face school discipline.

4.3.6 Principals' administration of discrimination and students' right to fair hearing in Cross River State. The result of the sixth hypothesis revealed that principals' administration of discrimination had a significant negative influence on students' right to evidence, right to witness and right to preparation as well as right to fair hearing in Cross River State. This can be attributed to the fact that any school principals in the area that discriminates will definitely not give adequate attention to the students whom they don't like when they might have committed one offence or the other rather they easily excluded from school activities which usually happen to students with some disabilities. Most of them also discriminate with regards to the students' parental socio-economic status as well as the sex of the individual. Male students might be punished more than the females for the same offence. In verifying the source of the difference in students' right to fair hearing in Cross River State with regards to their level of principals' administration of discrimination, it was observed that the source of the difference as regards to right the evidence was basically from all the various categories of administration of discrimination which can be attributed to the fact that when a student commit any offence in the school, they first check the student's sex before administering any offence. On the other hand, as regards the right to witness, right to preparation and right to fair hearing, it goes in line with right to evidence because if they can't give right to evidence, they will definitely not give right to witness, right to preparation and right to fair hearing. The findings of this study is in line with that of Isaac (2012) who worked on equity and access in the classrooms: a case study of classrooms' interactions and school punishment in basic schools in Ghana and found out that most pupils however found school language policies forbidding the use of local languages appropriate and attracted punishment; most of them also agreed generally that children should not have the right to access all types of information: the school environment cannot be said to



be neutral since boys and girls do not experience the same type of rights violation and that teachers were more aware of the impact of rights abuse on the child than gender discrimination.

Tanveer (2017) who evaluated the influence of school discriminatory practices on the early schooling experiences of school children from immigrant families in Norway and found out that the students who were discriminated from instructions by way of punishment did not perform well academically. The finding is also in accordance with the study by Nakpodia (2012) on teachers' responsibilities in-loco-parentis in secondary schools. The area of study was Abraka Metropolis, Delta State, Nigeria and found out that disciplinary measures were effective in the rural schools because there was room for personal interaction and that the teachers' duty of governance, disciplines care, and safety now were taken more seriously.

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