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TEACHERS' AWARENESS OF DEFAMATION AS CORRELATE OF THEIR WORK ATTITUDE IN CROSS RIVER STATE PUBLIC SECONDARY SCHOOLS

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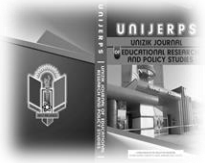
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Abstract
The study examined teachers' awareness of defamation and their work attitude. One research question guided the study and one hypothesis formulated and tested. A correlation research design was used for the study. The population of the study was made up of 5,840 teachers across the three educational zones of the state. An instrument titled "Teachers' Awareness of Defamation Questionnaire (TADQ) 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 defamation and their work attitude as an implication to school administrator. Recommendations were made based on the study.

Keywords*: Teacher's, Awareness, Defamation, Attitude and Secondary School*

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Introduction

Education is regarded as a tool for adequate manpower development, economic growth and enhancement for democratic awareness. In Nigeria it is regarded as an instrument "par excellence" for effecting national development (NPE, 2004).Lockwood and Macaffrey (2009) stated that the higher a nation achieves excellence in its education system, the more it is recognized as a great nation.

Therefore the quality and level of excellence in education depend on the quality of teachers' performance. In this regard, national policy on education, (FRN, 2013) stated that the quality of any education system is determined by the quality of the teaching-learning process. These opinions are clear because teachers interpret and communicate the curriculum to learners, they ensure the efficient and effective use of the country's investment in education, also act as a role model to the learners and transmit societal values from generation to generations. In other words, education is not just a medium of knowledge and skill acquisition, but a tool for nation building. It also helps to create some level of awareness among citizens to know their fundamental human rights among which are the right to sue and be sued.

Teachers should be taking proactive measure in minimizing the possibility of breaching law that stem from the following areas; defamation; conversion, trespass, negligence and misrepresentation in the control and discipline of students without infringing on their fundamental rights. Culturally, in the function of teachers serving in-loco parents when punishing their children do not do it with malice but for correction purpose. Correcting children and protecting them from danger by those put in charge of them is a cultural and traditional practice (Eimhen, 2014). In modern time however, neither the parents nor the children's teachers nor any person who has authority to manage them is not allowed to breach the children's (student's) fundamental human rights such.

In the real sense, there is no conflict in the intention to correct and protect students between cultural traditional practices and modern schools rules and regulations. The study is mainly drawing attention to excesses which are not permitted by law. This study focused on teachers' awareness of tortuous liability

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with in the school. Therefore, in its daily operation, there are certain matters whose administration requires the knowledge of the general provision of the 1999 constitution of the Federal Republic of Nigeria. Education activities are associated with legal issues hence teachers are to understand their own rights and limited as well as the legal implications of their actions and decisions when dealing with students in educational matters. There is need for teachers to know the law so they can stay out of litigation while still being able to provide a highly productive learning environment.

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 exists. 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"

Over the years several studies revealed that school liabilities have increased. In the secondary school system, due to awareness of increased attention given to the enforcement of individual right coupled with the rate of parents' enlightenment, breach of the duty of care and non-observance of students rights on the part of teachers have led to litigations in schools. According to Ejebe (2001) incidents of civil wrongs (tortuous liabilities) where a teacher's attitude or action has unfairly caused a student to suffer injury or harm, courts allow compensations as remedy for the injury suffered.

Teachers and students are two indispensable inputs in the process of secondary education. This brings them into a specified bond of relationship within the system. Teachers and students by law enjoy a special relationship as to be considered 'good neighbours'. This special relationship between the teacher and student imposes a duty upon the

former (teacher) to the later (student) from any foreseeable danger.

A teacher is a person who has successfully completed a course of training approved by the body responsible for it**.** According to FRN(2002) define a teacher as a one who had undergone approved professional training in education at appropriate levels capable of imparting knowledge, attitudes and skill to the leaners. Teachers have been recognized by law as having their right, obligations and responsibilities.

A teacher acquired certain roles, which he performs in a school system by achievement. Webster in Ikediugwu (2013) defined a teacher as one who teaches, specifically one whose occupation is to teach others. Similarly, According to Obi (2003) , the name "teacher" is used to refer to someone who has undergone formal teacher training programme. He/she has a specialized knowledge of the acceptable ways of teaching that subject.

Kronwitz (2014) postulated twenty-six (26) attributes of a teacher, centered at the teacher student relationship which include: Approachability, business-like enthusiasm and empathy, fairness, genuineness, humour, interest in children, mutual respect, nags not, openness, just decision, kindness, listening for children, patience and positive regard for children, quiet manner, respect for children, supportiveness, teaching appropriate behaviour, understanding valuing learning, witness, expectation that children behave appropriately, yells not and zero in on causes of misbehaviour. The paramount in teachers and students' relationship is that there should be a rapport between the two parties. The constitutional theory of the teacher/student relationship is on that which would help the teacher respect the rights of his students. Nakpodia (2010) confirmed from his study on students' reaction to the violation of human rights by their teachers. The study revealed that there is power tussle between the school authority and students that both parties believed that their power should be exercised. That is, teachers have the power to control their students in educational matters and students on the other hand, hence the right to seek redress on any event of infringement on their right. Nakpodia recommended that students should be listened to and matters concerning them treated constitutionally. Similarly 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. This is concerned with injury to reputation resulting from words written or spoken by others. It is both tort and crime states and it includes intentionally telling harmful untruths about another either by print or broadcast (libel) or orally (slander) and is viewed to be a crime as well (law dictionary).

Blackemore and Greene (2000) define defamations as the publication of untrue statements, which lowers another person in the eyes of right thinking member of the society.

The researcher has included this aspect of tortuous liability in the study in view of the vigorous political activity that is characteristic of Nigeria supported by freedom of the press and academic freedom which often influences teachers' conduct Clark and Lindsell (1994), Gatley (1998). Drye (2003) explains that in tort, false statements that tend to harm another's reputation could subject a person to liability. He lists, defamatory statements to include those that tend to expose one to hatred, shame, disgrace, contempt or ridicule, and when such statements are verbal. They are referred to as slander; when written (or published), they are referred to as libel. It suffices to say that the defining characteristic of the tort of defamation is an injury to reputation. That being the case, cases of libel and slander can only occur where the statements are made to their party. The Nigeria Union of teacher code of ethics which was prepared as an appendix to constitution stipulates that every teacher in Nigeria shall:

1. Avoid all damaging or defamatory comments upon a student or his home (first principle: 7).
2. Avoid making defamatory statements or comments in the presence of pupils or parents about a fellow teacher.
3. Not make any statement in newspaper, magazine or any other information media, that is detrimental to the interest of the union, (fifth principle: 4 and 7).

Therefore, statements could be defamatory on their face' as in making a statement that falsely criticizes a teacher's professional competence or a student's academic ability as seen in the United State case of Mulcahy V. Deitrickin Drye (2003) in which the board of Education (Ohio) was found liable for making defamatory statement

about a teacher. The Board stated against the plaintiff thus: 'he is not a fit person to teach in any school. He is not good as a teacher, and he will not get the school another year. He plays for dances and then goes "to sleep in the school room during school hours".

This suggests that teachers should exercise caution in writing defamatory reports on students be that in their transfer certificates, testimonials or result sheets to avoid liability. Even when a statement is not defamatory on its face, the aggrieved person has to show evidence of direct harm in order to receive damages. Such harm includes mental or physical illness in denial of right or privilege. Law dictionary viewing defamation as both tort and crime states that defamation, including intentionally telling harmful untruths about another either by print or broadcast (libel) or orally (slander) is a tort and used to be a crime as well. To differentiate between the aspects of defamation, Blakemore and Greene (2000) define defamation as the publication of untrue statements, which lowers another person in the eyes of right thinking members of the society. This may be written (libel) or spoken (slander). To Abbott (retrieved, 2003) libel is a 'personal' tort and a subset of defamation. He includes other members of the defamation family as torts of slander and product disparagement (trade libel).

The above definitions have informed the researcher's definition of defamation as written or oral application of (false) statements that tantamount to tarnish one's image to the knowledge of a third party. The former amount of libel and the latter slander. It was gathered that the narrowing down of the legal distinction between libel and slander has led to the use of the term 'defamation' by modern scholars to describe both libel and slander. Defamation, in this regard, consists of:

(i) A statement which causes harm to reputation
(ii) A publication to a third party
(iii) A statement which the speaker or publisher knew or should have known was false.

This stands to reason that a teacher could be liable in tort of defamation if by his write up or speech a student's reputation is injured by exposing the student to public hatred, contempt, ridicule or degradation as typified in the case of Phipps V. Clark Oil and Refinery Cooperation 1987 cited by Backemore and Greene (2000). But


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when the defamatory meaning is not apparent on the face, the burden of plea or proof lies on the plaintiff.

Nevertheless, Abbott (2003) maintains that a defamatory statement should be accompanied by spite or ill-will (malice) to make it actionable as held in the case of king V. Lake. He further states that cases of allegations of serious sexual misconduct, a serious allegation of criminal misbehaviour or of being inflicted with loathsome diseases like leprosy and venereal diseases are considered defamation per se. In this case, the plaintiff does not have to prove that the statements harmed his reputation. One gathers therefore that a teacher could be liable for defamation per se if, for instance, he alleges that a student is HIV positive or is an AIDs victim. Evidence of the plaintiff's poor reputation is generally admissible to mitigate damages. There is also a defamation per quod which refers to defamation that depends on circumstances (Abbott retrieved, 2003). He concludes by saying that "in order for a statement to be defamation it must be false. Libel is a publication of a false and unprivileged fact".

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. To what extent does teachers' awareness of defamation relate to their work attitude in Cross River State Public Secondary Schools?

Research hypothesis

One hypothesis was formulated for direct the study

Ho_1: There was no significant relationship between teachers' awareness of defamation and their work attitude in Cross River State Public Secondary Schools

Methods

Research Design

A correlation research design was adopted for this study. According to Maduekwe(2011),a correlational study is a study that indicates two variables and determines the relationship that exist between them whose degree of relationship is expressed as a correlational coefficient

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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. Since the study use questionnaire to explore and elicit the opinions of a sample of secondary school teachers, in relation to their' awareness of their tortuous liability and their work attitude, the correlation survey design is the most suitable for the study.

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 kilometres 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

The sample for this study is four hundred (400) teachers. 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. That is, irrespective of the teaching strength of the schools, the same number of teachers was selected from each stratum. 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 deformation Questionnaire (TADQ) and Attitude to Work Questionnaire (TAWQ) served as the instrument for the study. 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 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 questionnaires was administered to the respondents on a face-to-face basis by the researcher and three (3) research

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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 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 defamation and their work attitude

Table 1: Pearson Correlation Co-Efficient of Teachers' Awareness of Defamation And Their Work Attitude

Variables	N	Mean	Std. Deviation	Correlation coefficient	Relationship
Awareness of defamation (X)		18.36	1.83		
	400			.64*	Strong positive relationship
Teachers' work attitude (Y)		28.85	1.83		

n = Total number of teachers.

Table I indicates a correlation value of 0.64 showing a strong positive relationship between the dependent and independent variables. This is to say that teachers' awareness of defamation was a strong factor in determining their work attitude. This further implies that the more teachers are to defamation, the more favourable their work attitude and vice versa.

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Discussion

The relationship between teacher's awareness of defamation and their attitude to work.

The aim of this research was to determine the relationship between teachers awareness of defamation and their work attitude .In table I, it can be deduced that teachers were aware of defamation as a tortuous liability. However, teachers still showed unawareness in the area of publicly abusing students and writing bad reports or testimonials about students. The correlation coefficient of 0.64in table1further indicate a high positive relationship Teachers' awareness of defamation and their work attitude. This means that the more teachers were aware of defamation as a tortuous liability the more their work attitude is likely to be positive. Based on this, Sanders, (2016) found that defamation is broken into the libel for written defamation and the slander for spoken defamation, targeted reputational injury in both written and spoken form mostly in a school setting. She added that defamation serves a number of social functions designed to promote an orderly discourse between the principals and teachers. One primary goal of defamation in this study is to protect human dignity by providing a forum in which to counter an underserved attack. As a secondary measure, defamation can be seen having a deterrent function to prevent false and damage compensation for injury to reputation. Blackmore and Greene (2000) equally found out that defamation is the publication of untrue statement, which lowers another is the eyes of right thinking members of the society. This could be written (libel) or spoken (slander). Abbott (2003) revealed that libel is a personal tort and a subset of defamation, which include other members of the defamation family as tort of slander and product disparagement (trade libel). In this regard defamation consists of a statement which causes harm to reputation, a speaker or publisher know or should have known was false. This stands to reason that a principals and teachers could be liable in tort of defamation if by his/her write up or speech a student's reputation is injured by exposing the student to public hatred.

Conclusion

In this today modern society both parents and students has come to know their right as a citizen of the country. Therefore, the teachers should avoid

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any form of defamation on the student to cutaway the issue of court order that would hamper the effective functioning of any teacher who may go against the law.

Recommendations

The following recommendation were made based on the study

1. Principals should guide the teachers properly in the cause of their duty(s)
2. Teachers should maintain good relationship with their students to avoid any form of defamation.

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