

MANAGEMENT OF TORTIOUS LIABILITY OF TRESPASS TO PERSON AND ADMINISTRATIVE EFFECTIVENESS IN STATE OWNED TERTIARY EDUCATIONAL INSTITUTIONS IN BORNO STATE, NIGERIA

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Abstract

Achievement of educational goals necessitates a conducive teaching and learning environment for both teachers and students, which is impossible to achieve without effective tort liability management in schools. This study investigated the relationship between management of tort of trespass to person and administrative effectiveness in state owned tertiary educational institutions in Borno State, Nigeria. The study was anchored to the Interest Theory of Human Right. The study adopted Correlational Design. It involved the population of 3211 academic and nonacademic staff of the tertiary educational institutions where 333 participants were drawn using Research Advisor (2006). The researchers employed purposive sampling technique for selecting the state owned tertiary educational institutions and random sampling technique in selection of the participants. The study adapted two instruments: Management of Tortious Liabilities Questionnaire (MTLQ) and Administrative Effectiveness Questionnaire (AEQ) with initial reliability indices of 0.79 and 0.84 respectively and after modification, pilot test was conducted via test-retest method with reliability indices of 0.76 and 0.79 respectively, computed using PPMC. The questionnaires were administered and the data obtained were analysed using frequency, percentages, mean to answer the research questions while, Pearson Product Moment Correlation (PPMC) was used to test the hypothesis. The findings of the study revealed that there is high extent of management of tort of trespass to person in Borno State owned tertiary educational institutions as well as moderate level of administrative effectiveness. And also there is significant positive relationship between management of tort of trespass to person and administrative effectiveness in state owned tertiary educational institutions in Borno State, Nigeria. The researchers recommended frequent training of school heads on effective application of strategies for management of tortious liabilities of trespass to person in schools, among others.

Keywords: Tortious liability, Trespass to person, Management, Administrative Effectiveness, Tertiary Education

Introduction

Management of tortious liabilities is required to create a conducive working environment and friendly interaction among all educational stakeholders for peace, harmony, and mutual respect, ensuring the effective achievement of educational goals. However, Inuwa (2022) opined that there will be consecutive conflicting challenges of poor communication, intimidation, harassment, poor service delivery, unfair treatment of others, biased judgment, and many more in educational institutions. Thus, conflict is inevitable in an organization but could be managed effectively to reduce its impact on the achievement of educational goals. In the process of interaction, people sometimes offend one another and cause injury either intentionally or unintentionally.

In both cases, compensation may be awarded to the injured party as required by the law of torts (Sagay, 2017 in Manga, 2020). In order to safeguard and protect the rights of all educational stakeholders in schools, school management needs to carefully and in an unbiased manner, routinely manage tortious liabilities by ensuring adherence to school rules and regulations (Ogunu, 2015). In several situations, school heads do not seem to identify and tackle the fundamental administrative practices influencing the management of tortious liabilities in their schools (Kodelinye & Aluko, 2018).

Tortious is derived from tort, which means to harm or wrong someone, and also from a Latin word *tortus*, meaning twisted or crooked (Lexis, 2018 in Manga, 2020). Manga further posited that tort is viewed as any wrongful act or omission for which damages may be obtained in a civil court by the person wronged. Tortious liability is mainly concerned with providing compensation for personal injury and damage to property caused intentionally or negligently. Tortious liabilities, therefore, cover trespass to a person, trespass to land, negligence, defamation, nuisance, malicious prosecution, deceit, vicarious liability, among others.

The tort of trespass to a person, according to Malemi (2017), is any intentional interference with or invasion of the body of another person or their liberty. Kodilinye and Aluko (2018); Malemi (2017); and Omotesho (2009) posit that Trespass to a person comprises three torts: assault, battery, and false imprisonment. Tort of trespass to a person is one of the most common torts, frequently committed in most public schools in Nigeria where teachers administer corporal punishment on students without restriction by the school management (Omotesho, 2009). Offem and Ikediukwu (2021) posit that teachers are liable in the tort of trespass to a person when wrongful acts complained of by the student amount to either an infringement on their rights or a breach of a legal instrument for making people comply with the standards of reasonable behavior and respect the rights and interest of one another. In their study, Offem and Ikediukwu (2021) found that teachers are 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 course of punishment is trespass to a person.

Tortious liabilities management in schools, according to Manga (2020), is the application of strategies by school administrators to create awareness and protect school personnel against acts of torts by ensuring proper compensations are given to those whose civil rights were violated.

The term administration is defined as the process of managing, directing, governing, or ruling the affairs of an organization. Manga and Ogundele (2019) posit that administration entails systematic organization of human, material, financial, time, machine/technology resources to achieve common organizational goals. Educational administration is the application of principles and processes of administration for the attainment of educational goals. Administrative effectiveness in relation to the management of tortious liabilities in schools entails adequately capturing tortious liabilities issues in staff and students' handbooks; frequent organization of awareness creation programs on tortious liabilities; involvement of legal experts in disciplinary committees and review of staff handbook.

This study is anchored to the Interest Theory of Human Right which was postulated by Hart in 1955 as cited in Manga (2022a). The theory argues that all rights are

reducible to a single fundamental human right. This single right refers to equal rights of all men to be free. The Interest Theory of Human Right believes that the distinctive feature of human agency is the capacity for freedom which is the highest interest of man across the ages. The quest for freedom is connected with fundamental human rights and is therefore guaranteed by all government in modern society. This theory implies that there is a need for safeguarding students and staff against violations of human rights arising from tortious liability of trespass to a person.

The Interest Theory of Human Right is related to this study because the study deals with tortious liability which centers on the protection of human right and prevention of trespass to person and trespass to land. With the rampant cases of tortious liabilities in educational institutions in Nigeria, there is a wide gap between what is obtainable in the Interest Theory of Human Right and what is being practiced in tertiary educational institutions in Borno State, Nigeria. Fuller (2019) in Manga (2022a) posits that safeguarding the rights of staff and students in educational institutions is necessary for peace, progress, and development of the institutions.

Some related studies were reviewed, among which is that conducted by Manga (2022b) which assessed the extent of application of administrative strategies for prevention of tort of trespass, negligence, and defamation in unity schools in Kebbi State in which descriptive research design was adopted for the study with a total population of 2,313 staff and students and a sample size of 330 participants. A questionnaire was used for data collection. The study found that while unity schools in Kebbi State did not satisfactorily apply the law of tort in prevention of trespass to a person, they applied measures to prevent tort to trespass on school land, negligence, and defamation. Koko and Osazuwa (2019) investigated the extent to which teachers are aware of tort liabilities in relation to student's discipline in Rivers State public senior secondary schools and found that the extent of teachers' awareness of torts was low. In their study, Offem and Ikediugwu (2021) examined teachers' awareness of trespass and their work attitude as imperatives for school administrators. The finding revealed, among others, that there is a significant relationship between teachers' awareness of trespass and their work attitude as an implication to school administrators. Ajewole (2017) examined the relationship among labor dispute, management strategies, and administrative effectiveness in public universities in Southwestern Nigeria and found that there was a significant relationship among labor dispute, management strategies, and administrative effectiveness in tertiary educational institutions in Nigeria, among others. The reviewed studies were related to this current study in terms of the variables captured (tort liability and administrative effectiveness) and educational institutions involved; however, they differ in terms of the level of educational institutions involved and the location of the studies.

Statement of the Problem

Conflict within an organization, particularly in educational settings, is an unavoidable aspect of daily operations. School personnel encounter the constant concern of potential legal actions while carrying out their duties in schools (Ripps, 2015). Ripps further suggests that educators are particularly susceptible to lawsuits involving tort liability. It is the responsibility of school employees to ensure the safety and well-being of their students. However, accidents involving students unfortunately occur within school premises even in the most controlled environments (Seitz, 2018).

Consequently, school employees could face liability for damages or injuries to students if they fail in their duty of care towards them (Thorn, 2015). For instance, Akinyemi (2021) reported an incident at the University of Ilorin where a student was expelled for beating a lecturer to a coma, following the student's guilt as determined by the school's disciplinary committee. Additionally, Njoku (2021) highlighted a case at the University of Nigeria, Nsukka, where a senior lecturer was suspended for allegedly impregnating a student and threatening her life. This incident represents an act of tortious trespass to a person, involving assault and battery. The report "How Borno School suspended 30 nursing students" (2021) outlined the suspension of 30 students by the Borno State College of Nursing and Midwifery for a week due to their refusal to welcome President Muhammadu Buhari during his visit on June 17. Furthermore, "Borno shuts colleges after students' clash" (2021) documented clashes between students of Kashim Ibrahim College of Education, Maiduguri, and Umar Ibn Ibrahim El-Elkanemi College of Education, Science and Technology, Bama, on May 27, 2021, stemming from a hostel accommodation issue, which led to the closure of the schools. These incidents exemplify cases of tortious liabilities within educational institutions, involving both staff and students.

The recurrence of cases involving the torts of trespass to a person and trespass to land across various levels in Nigerian educational institutions could be attributed to inadequate management of tortious liabilities in schools. Considering these occurrences, this study aimed to investigate the correlation between the management of the tort of trespass to a person and administrative effectiveness in state-owned tertiary educational institutions in Borno State, Nigeria. The study seeks to identify potential avenues for enhancing the management of tortious liabilities.

Objectives of the Study

The specific objectives of the study are as follows:

- i. To find out the extent of management of tort of trespass to person in state owned tertiary educational institutions in Borno State.
- ii. To determine the level of administrative effectiveness in state owned tertiary educational institutions in Borno State.
- iii. To assess the relationship between management of tort of trespass to person and administrative effectiveness in state owned tertiary educational institutions in Borno State.

Research Questions

The following research questions guided the study:

- i. What is the extent of management of tort of trespass to person in state owned tertiary educational institutions in Borno State?
- ii. What is the level of administrative effectiveness in state owned tertiary educational institutions in Borno State?

Research Hypotheses

The following hypothesis was tested to examine the relationship between management of tort of trespass to person and administrative effectiveness in state owned tertiary educational institutions in Borno State:

Ho₁: There is no significant relationship between management of tort of trespass to person and administrative effectiveness in state owned tertiary educational institutions in Borno State.

Research Methodology

The study employed a correlational research design, chosen for its suitability in establishing the relationship between the management of tortious liabilities and administrative effectiveness in state-owned tertiary educational institutions in Borno State, Nigeria. The study population comprises all staff members from the nine state-owned tertiary educational institutions within the state. This totals 3,211 individuals, consisting of 1,467 academic staff and 1,744 non-academic staff.

The sample size of 333 was determined using Research Advisors (2006) methodology from the population of 3,211. Purposive sampling was employed to include all state-owned tertiary educational institutions as they represent the researchers' primary focus. Proportionate sampling techniques were then used to ensure equitable representation by determining the number of participants from each institution. Random sampling was subsequently utilized to select participants within each institution.

For data collection, the study utilized two structured questionnaires. The first questionnaire, titled "Management of Tortious Liabilities Questionnaire" (MTLQ), served as the tool to gather data pertaining to the management of tortious liabilities within tertiary educational institutions. The MTLQ was adapted from Manga (2022b) to suit the peculiarity of the study. The MTLQ was structured on a 5-point Likert's scale model ranging from 1 point = Very Low Extent (VLE = 0.00-1.49); 2 points = Low Extent (LE = 1.50-2.99); 3 points = Moderate Extent (ME = 3.00-3.49); 4 points = High Extent (HE = 3.50-4.49); and 5 points = Very High Extent (VHE = 4.50-5.00). The mean score of 3.00 points and above on the scale of 5.0 was used as cut-off for satisfactory extent of management of tortious liabilities while below 3.00 mean is unsatisfactory extent of management of tortious liabilities in state owned tertiary educational institutions in Borno State, Nigeria.

The Administrative Effectiveness Questionnaire (AEQ) was adapted from Ajewole (2017) which was used to collect data on administrative effectiveness in tertiary educational institutions. The AEQ consists of 16 items and the researcher modified the AEQ making the number of items to 10 items. The researchers also restructured the statement of the items adapted from Ajewole to suit his study. The instrument was structured on a 5-point Likert's scale model ranging from 1 point = Very Low Level (VLL = 0.00-1.49); 2 points = Low Level (LL = 1.50-2.99); 3 points = Moderate Level (ML = 3.00-3.49); 4 points = High Level (HL = 3.50-4.49); and 5 points = Very High Level (VHL = 4.50-5.00). The mean score of 3.00 points and above on the scale of 5.0 was used as cut-off for satisfactory level of administrative effectiveness while below 3.00 points is unsatisfactory level of administrative effectiveness.

Content validity of MTLQ and AEQ were determined by validating the instruments by three experts in the fields of educational management from Usmanu Danfodiyo University, Sokoto. The reliability of the MTLQ and AEQ were obtained after pilot study via test-retest and correlated using Pearson Product Moment Correlation (PPMC) and 0.76 and 0.79 correlation co-efficient were obtained respectively.

The researchers used frequency, percentage and mean in analyzing the data in response to the research questions via Statistical Package for Social Sciences (SPSS) data analysis software. The hypothesis was tested using Pearson Product Moment Correlation (PPMC) via SPSS.

Results

The research questions and hypothesis were analysed as follows:

Research Question One: What is the extent of management of tort of trespass to person in state owned tertiary educational institutions in Borno State? This research question was answered and result presented in Table 1.

Table 1: Extent of Management of Tort of Trespass to Person in State Owned Tertiary Educational Institutions in Borno State

S/N	Items Statement	Rate	\bar{X}	Extent	Decision
1	Policies of trespass to person are provided in students' handbook and staff manual	42%	2.10	LE	Unsatisfactory
2	Wrongdoers in cases of assault to person among staff and students are prosecuted	80%	4.01	HE	Satisfactory
3	Cases of sexual molestation of person among staff and students are reported to court	76%	3.82	HE	Satisfactory
4	Wrongdoers in the cases of battery among staff and students are prosecuted	75%	3.77	HE	Satisfactory
5	Wrongdoers in cases of false imprisonment among staff and students are prosecuted	75%	3.76	HE	Satisfactory
6	Wrongdoers in cases of wounding among staff and students are prosecuted	76%	3.82	HE	Satisfactory
7	School organizes enlightenment programme to create awareness on legal implication of trespass to person	45%	2.23	LE	Unsatisfactory
8	Wrongdoers in cases of threat among staff and students are prosecuted	77%	3.86	HE	Satisfactory
9	Victim of privacy violation among staff and students are compensated	75%	3.75	HE	Satisfactory
10	Guidelines on use of corporal punishment where applicable are enforced in schools	78%	3.90	HE	Satisfactory
	Grand Mean (\bar{x})	70%	3.50	HE	Satisfactory

Source: Field Survey, 2023

n=326

Key:

VLE = Very Low Extent

LE = Low Extent

ME = Moderate Extent

HE = High Extent

VHE = Very High Extent

Analysis of data in Table 1 reveals that item two, three, four, five, six, eight, nine and ten have high mean score of, 4.01, 3.82, 3.77, 3.76, 3.82, 3.86, 3.75, and 3.90 respectively. Whereas, item one and seven have low mean score of 2.10 and 2.23 respectively. Table 1 also shows that grand mean rating of management of tort of trespass to person was 70% with a mean score of 3.50, indicating satisfactorily high extent of management of trespass to person in state owned tertiary educational institutions in Borno State.

Research Question Two: What is the extent of administrative effectiveness in state owned tertiary educational institutions in Borno State? This research question was answered and result presented in Table 2.

Table 2: Extent of Administrative Effectiveness in State Owned Tertiary Educational Institutions in Borno State

S/N	Items Statement	Rate	\bar{X}	Level	Decision
1	Issues of tortious liabilities are adequately and clearly spelt out and documented in staff and students handbooks	44%	2.19	LL	Unsatisfactory
2	Legal experts are involved in drafting and reviewing school handbooks to ensure that tortious liabilities are adequately captured	78%	3.91	HL	Satisfactory
3	Enlightenment programmes such as workshop and seminars are organized to create awareness on matters of tortious liabilities in schools	61%	3.05	ML	Satisfactory
4	School administration create an open door leadership climate which allows staff and students to freely report cases of tortious liabilities they are subjected to	77%	3.84	HL	Satisfactory
5	School administrators appoint a standing disciplinary committee to promptly investigate cases of tortious liabilities and make recommendations	74%	3.71	HL	Satisfactory
6	A legal expert is appointed as a member of the disciplinary committee to ensure legality is adhered to in tortious liabilities decisions	66%	3.29	ML	Satisfactory
7	Recommendations and decisions of the disciplinary committee on tortious liabilities cases are promptly implemented or executed	78%	3.90	HL	Satisfactory
8	Staff who are convicted of tortious liabilities are promptly punished without fear or favour	76%	3.78	HL	Satisfactory

9	School employ multimedia approach in awareness creation on tortious liabilities	45%	2.27	LL	Unsatisfactory
10	School administrator championed multi-ministerial approach to curriculum change to accommodate tortious liabilities in teacher education programmes	44%	2.18	LL	Unsatisfactory
Grand Mean (\bar{x})		64%	3.21	ML	Satisfactory

Source: Field Survey, 2023

n=326

Key:

VLL = Very Low Level

LL = Low Level

ML = Moderate Level

HL = High Level

VHL = Very High Level

Analysis of data in Table 2 revealed that item two, four, five, seven and eight have satisfactorily high mean score of 3.91, 3.84, 3.71, 3.90 and 3.78 respectively. While, item 3 and 6 have satisfactorily moderate mean score of 3.05 and 3.29 respectively. Whereas, item 1, 9 and 10 have unsatisfactorily low mean score of 2.19, 2.27 and 2.18 respectively. Table 2 also shows that grand mean rating of level of administrative effectiveness was 64% with a mean score of 3.21, indicating satisfactorily moderate extent of administrative effectiveness in state owned tertiary educational institutions in Borno State.

Hypothesis One (H_{01}): There is no significant relationship between management of tort of trespass to person and administrative effectiveness in state owned tertiary educational institutions in Borno State. This hypothesis was tested and presented in Table 3.

Table 3: Relationship between Management of Tort of Trespass to Person and Administrative Effectiveness in State Owned Tertiary Educational Institutions in Borno State

Variables	N	Mean	SD	Df	r-Cal	P-value	Decision
Trespass to person	326	3.86	.6668	324	0.110	0.049	H_{01} Rejected
Administrative Effectiveness	326	3.76	.6512				

Source: Field Survey, (2023)

Table 3 displays data from 326 participants, showing a correlation value (r) of 0.110 and a calculated P-Value of 0.049. The hypothesis was tested at an alpha level of 0.05, and upon finding that the P value (0.049) is less than the alpha value (0.05), the null hypothesis is rejected. It's established that when the P value is less than the alpha value of 0.05, the null hypothesis is rejected, indicating a significant positive relationship between the management of tort of trespass to a person and administrative effectiveness.

Consequently, the rejection of the null hypothesis implies a significant association between the management of tort of trespass to a person and administrative effectiveness within state-owned tertiary educational institutions in Borno State. This

indicates that effective management of tort of trespass to a person tends to enhance administrative effectiveness in these educational institutions in Borno State, Nigeria.

Summary of Major Findings

The key findings from the analysis can be summarized as follows:

1. There exists a high level of management of tort of trespass to a person within Borno State-owned tertiary educational institutions.
2. Administrative effectiveness in these institutions is at a moderate level.
3. A significant positive relationship has been identified between the management of tortious liability concerning trespass to a person and administrative effectiveness within Borno State-owned tertiary educational institutions.

Discussion of Findings

The first finding of this study indicates a high degree of satisfactory management of tort of trespass to a person within state-owned tertiary educational institutions in Borno State, Nigeria. This suggests that an improvement in managing tortious liability concerning trespass to a person positively influences administrative effectiveness. Interestingly, this finding contradicts Manga's (2022b) discovery in Kebbi State, where unity schools were observed to lack satisfactory application of tort law in preventing trespass to a person. The divergence in findings could be due to the varying levels of educational institutions examined. Consequently, it's evident that tertiary educational institutions in Borno State effectively handle cases related to trespass to a person within their establishments.

The second finding suggests a moderate level of administrative effectiveness within state-owned tertiary educational institutions in Borno State, Nigeria. This contradicts Ajewole's (2017) study, which noted a high level of administrative effectiveness in tertiary educational institutions in Southwest Nigeria while exploring the relationship between labor disputes, management strategies, and administrative effectiveness.

The third finding highlights a positive relationship between the management of tort of trespass to a person and administrative effectiveness in state-owned tertiary educational institutions in Borno State, Nigeria. This aligns with Offem and Ikediugwu's (2021) study, revealing a significant relationship between teachers' awareness of trespass and their work attitude, impacting school administrators. Both studies were conducted in Nigerian educational institutions, illustrating that managing tort of trespass to a person contributes to enhancing administrative effectiveness.

This relationship might be explained by several factors. Effective management of tortious liability related to trespass to a person showcases organizational efficiency and a clear understanding of legal obligations within tertiary educational institutions. This, in turn, may positively influence perceptions of the institution among students, staff, and the wider community. Moreover, efficient management of such liabilities can free up resources that can be redirected toward enhancing various aspects of the institution's operations, such as teaching and research.

Limitations and Future Direction

The study's cross-sectional nature limits its ability to establish causation between effective management of tortious liability of trespass to a person and improved administrative effectiveness, as other influencing factors like institutional resources or leadership could be at play. To strengthen future investigations, employing longitudinal designs would allow for a clearer understanding of causality. Additionally, relying on self-reported measures for administrative effectiveness introduces potential inaccuracies, warranting the use of more objective metrics like student satisfaction surveys or external audits in subsequent research. As the study was confined to Borno State, Nigeria, its findings might not be universally applicable, emphasizing the need for broader geographical research to ascertain the generalizability of these relationships across various regions or countries.

Conclusion

The study has found that there is high extent of management of tort of trespass to person, land and administrative effectiveness in state owned tertiary educational institutions in Borno, Nigeria. Also there is positive relationship between management of tort trespass to person, land and administrative effectiveness in state owned tertiary educational institutions in Borno State, Nigeria. This means that management of tortious liabilities of trespass to person and land lead to administrative effectiveness in state owned tertiary educational institutions in Borno, Nigeria.

Recommendations

The researcher suggests the following recommendations:

1. School administrators should incorporate issues related to the tort of trespass to a person in both students' handbooks and staff manuals. This step aims to maintain and enhance the management of such torts within state-owned tertiary educational institutions in Borno State.
2. The government should integrate the understanding of tortious liabilities into school administration, particularly emphasizing its inclusion in educational programs such as the Nigeria Certificate in Education (NCE) and Degree in Education programs. This educational initiative can enhance awareness and comprehension of tort liabilities among future educators.
3. To sustain and improve the management of tort of trespass to a person and bolster administrative effectiveness in state-owned tertiary educational institutions in Borno State, there should be deliberate training and awareness programs for school administrators. These initiatives should focus on effective strategies for managing assaults, battery, detention, and administrative effectiveness within educational settings.

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