

An Analysis of Consistency of Disciplinary Decision-Making at a Federal Government-Owned University in Nigeria

Dorcas Dappasika Otto and Wilfred I. Ukpere*

Department of Industrial Psychology and People Management, College of Business & Economics, University of Johannesburg, South Africa

*Correspondence to: Dorcas Dappasika Otto, Department of Industrial Psychology and People Management, College of Business & Economics, University of Johannesburg, South Africa.

E-mail: dorcas.otto@uniport.edu.ng

Abstract

Discipline is essential in any workplace. It curbs the excesses of employees who have deviant attitudes, instills order in workplaces, and enhances productivity and general outputs, if implemented properly. However, in recent times there has been a rising spate of reactions against perceived inconsistent disciplinary decision-making in most universities in Nigeria. Many employees who experience disciplinary processes complain of inconsistencies, and some of these employees have resorted to civil litigation at public courts of law. The consequences have affected universities' time, finances and other resources, including public embarrassment that both the university and the concerned employee are prone to as a result. It is against this backdrop that this article undertakes an analysis of consistency of disciplinary decision-making in a federal government-owned university in Nigeria. The objective of the article is to ascertain if disciplinary decision-making at the case university was consistent. As a qualitative analysis, the article relied on primary (interview) and secondary (journals, text books, law reports, etc.) sources of data, which were thematically analysed. It was shown that disciplinary decision-making in the case university is largely consistent with extant disciplinary rules and with precedents of earlier disciplinary decisions. However, among others, it is recommended that, improved publicity and transparency, regular induction and orientation programmes for staff on rules could enhance the perceived consistency of disciplinary decision-making at the case university.

Keywords: Consistency, Disciplinary decision-making, Disciplinary procedures.

Introduction and Background

Nigeria has abundant human and material resources, but it is a low-income economy, characterised by many socio-economic challenges (Kalu & Otto, 2011). One of the reasons used to explain the contradictions in Nigeria is indiscipline in the workplace. Indiscipline impact on outputs, and could create a corrupting effect if there are no commensurate and deterring sanctions, which such workplaces apply consistently (Edeko, 2011; Obinna, 2011). According to Oludayo (2015), the university is intended for the quest of intellectual development of society, and should be separated from the everyday considerations, while saints and sinners cohabit there.

As indicated in the Constitution of the Federal Republic of Nigeria (CFRN 1999), breaches of organisational rules should be investigated in accordance with the principle of a fair hearing, as enunciated in the Nigeria Labour Act (see Federal Government of Nigeria (FGN), 1990). Thus, the disciplinary decision environment becomes critical. Ultimately, it is disciplinary decisions that practically define indiscipline, and serve as interpretations for extant policy (NOUN, 2014). For example, if a staff member is found violating a particular rule of the organisation, and is sanctioned, the sanction will serve as a definition of how similar acts may be treated. If in future another staff member behaves in a similar way, but receives a different sanction, this inconsistency of decision or application of disciplinary procedures could affect the workers' psychological wellbeing (Johnson & Leary-Kelly, 2003). Many staff members may attempt to interpret why the decision-making outcomes of similar disciplinary matters are dissimilar. This could lead to reactions and attitudes among staff that may encourage more deviant behaviour, and hence affect productivity (Landy & Conte, 2008).

There are several factors that could influence the consistency or otherwise of disciplinary decision-making in organisations. In Nigeria,

influences that could inform inconsistency in disciplinary decision-making include ethnicity, religious affiliations, language, political affiliation and even cults membership (Briggs, 2015; Nnoli, 1980). This article interrogated consistency of disciplinary decision-making at a federal government-owned university in Nigeria, which is a concern that is acknowledged (Nwafor & Nnokam, 2012).

Problem statement, research questions and objectives

Policies and procedures are useful in organisations for a number of reasons, which include assisting to motivate staff towards the attainment of organisational goals. Policies and procedures are also used to warn staff of the consequences of omissions and commissions of acts, which are defined as deviant behaviour or offences in such organisations. Therefore, given a set of procedures in a university, staff members are expected to take advantage of this body of rules and procedures to maximize individual and collective productivity, which ultimately lead to efficient organisational outcomes, but sometimes this is not the case.

Documentation that contains disciplinary policies and procedures is also to ensure that management panels that interpret or apply them are consistent in their decision-making. There have been disciplinary cases involving different categories of staff in universities. Some staff members have been dismissed, while others have been sanctioned in other ways, based on recommendations from the disciplinary committees established for these purposes. However, some of the affected members of staff have been punished for similar acts, where others have had no punishment at all, and some have resorted to the courts for litigation, thus distracting the university from its core mandate. These perceived inconsistencies in disciplinary decision-making by management in the university have now become a challenge, which this article attempts to explore.

Research question

The above problem statement triggered the research question below:

- Is disciplinary decision-making at the case university consistently applied?

Research objective

The objective of this article is:

- To establish consistency in the disciplinary decision-making at the case university.

Literature Review

In many organisations, the essence of employing and retaining employees is to add value to the organisation (Arrey, 2013). Thus, many organisations seek to employ capable (qualified) employees that will enhance this objective. In the process, diversity is introduced into the workplace (Schenk, 2009). This is especially so for universities, which are centres of excellence and where different experts converge (Nwakaudu, 2014; Weiler, Guri-Rosen, & Sawyer, 2006; Alubo, 1999). Legal requirements and government policies also tend to re-enforce this diversity of workforce by insisting on corporate social responsibility and affirmative action policies when recruiting. For instance, in Nigeria, organisations are encouraged to employ workers of host communities especially at the lower levels. Likewise, there is the Federal principle character, which is protected in the CAP F7, Laws of the Federation of Nigeria (LFN 2004) with an administrative set up to implement this law by the Federal Government of Nigeria (FGN 2004). This law encourages a balanced diversity among the 36 states federal structure of Nigeria for recruitment processes (FGN, 2011). These policies have tended to encourage a multi-cultural and an expanded workforce especially for public institutions (Knight & Ukpere, 2014). The federal character principle was enshrined in Nigeria's constitution to facilitate a fair representation of all parts of the nation in any recruitment and promotion process to give every Nigerian a sense of belonging.

With such diversified background among the workforce, the tendency for misunderstanding, conflict and aberrations from the norms of the workplace is a matter of trajectory or conjecture (Williams, 2002: p.3). Conflict may be defined as situations in which there are incompatible goals, interests or feelings among members of a social system leading to antagonistic interactions (Haralambos et al., 2008). These situations are antithetical to the essence of employee engagement; therefore, there is a need for mitigating measures. These mitigating measures include workplace (organisational) procedures, ethics and regulations including rewards and disciplinary procedures (Williams, 2002: p.3).

Discipline defined

One efficient management tool applied by executives in many organisations or institutions is discipline (Onderi & Odera, 2012). Often, discipline is regarded as punishment by many people but actually it consists of instructions, and training (Chella, 2006). The main purposes of discipline are to facilitate coordination of efforts, development of character and self-control, and fostering efficiency and orderliness.

Discipline may also mean punishment or control gained by enforcing obedience or order. Discipline may also be defined as a principle or set of principles which guide behaviour or conduct.

It may also be defined as an attribute of people, groups of people or communities which enhances orderliness in such societies. For instance, among individuals, it is that attribute which leads others to describe them as self-controlled, sociable, co-operative, law-abiding and so on (Ndu, 2002, p.1-2). Ajayi and Adeniji (2009) believe that as a concept, a precise definition of discipline has been elusive. Discipline may also be defined as a state of order, which is premised on obedience to authority and rules of conduct (Garner, 2012; Haimann & Hilgert, 1977). It could also be defined as punishment, curtailment of freedom, condemnation or threat. Discipline may also be defined to mean a form of influence that helps an individual achieve informed decisions; it is an essential element of group activities (Mbiti, 1977; Ngu, 1990; Ndu, 2002; Vonai, 2013).

Discipline is a very essential element in any sustained group activity. It enhances output and peace at the workplace (Chirasha, 2013). It likewise encourages harmony, co-operation and team spirit among workers. According to Garner (2012) the essence of discipline at the workplace includes: adherence to rules of the organisation, correction and redirecting behaviour towards organisational rules, re-asserting authority of the leaders, setting examples for others to learn from, and punishment for wrong doing.

In all, discipline is defined here to mean sanctions on employees in order to achieve conformity, obedience to rules and procedures especially at workplaces, where the need for order is high due to the diversified nature/background of its workforce (Knight & Ukpere, 2014). But more than this, discipline is also punishment for the purpose of ensuring control. Discipline and disciplinary issues especially in the public service have generated a lot of concern and discourse among observers, critics, scholars and policy analysts (Fenley, 1996). The discourse is still ongoing due to manifestations of indiscipline that are observed in many places and the effect of indiscipline at the workplace (Okonkwo, 1996). It may be necessary to briefly examine different perspectives of discipline for more clarity of the concept.

Types of discipline

Theorists have categorised discipline into two; namely positive discipline and negative discipline (Nel, et al., 2012; Garner, 2012; Vonai, 2013), which are presented below:

Positive discipline

Positive discipline involves all forms of efforts by management to attract loyalty and get workers to conform to the organisation's expectations (Dewi & Tanjung, 2009). These efforts may include formal and semi-formal activities that help staff understand organisational culture better and generate a willingness in them to conform to these expectations (Dewi & Tanjung, 2009). According to Nel et al., (2012) some informal ways of getting staff to conform to organisational rules include, making them aware of what is expected of them, give them regular feedback on their performance, respecting and understanding their staff needs and requests, cultivating a feeling of mutual respect between workers and management, being consistent and showing integrity, and making them happily as subject to organisational rules make the staff happy (Nel et al., 2012). According to Vonai (2013) positive discipline refers to discipline without punishment. This is because the focus is on helping the staff become self-disciplined and hence to refrain from acts that are inimical to the organisation's work culture. Thus, the employee identifies and accept the workplace objectives as his/her own objectives and becomes involved in the workplace as if the business is his/her personal interest.

Positive discipline is preventive. It encourages a close relationship between employees and management, identifying expectations, limiting challenges and dealing with issues as these arise (Williams, 2002).

Negative discipline

Negative discipline is more punitive in nature. Emphasis is on guidelines and controls including the consequent fear of punishment, which might ensue such as demotions and transfers, among other sanctions (Vonai, 2013). Here the managers allow the employee to act independently and duly sanction errant or recalcitrant workers. Within such contexts, there is a high employee turnover; while the cost of recruitments rises, and often, fear is pervasive amongst employees (Garner, 2012; Vonai, 2013). In such organisations, trust is likely to be minimal, in fact, some scholars believe that the benefit of discipline may not be maximised in such workplaces (Garner, 2012).

The likelihood of high employee turnover is real and the overall effect on the firm may be less competitive in a modern society with the high costs of staff recruitment and training. Autocratic leaders are well associated with this kind of practice (Egwoba, 2006).

Disciplinary procedures

In order to mitigate inconsistent and undue decisions in disciplinary matters, disciplinary policies and procedures are encouraged. In fact, some of these policies may be products of collective bargaining, which are documented to encourage consistent implementation by different officers to a wide spectrum of employees in the organisation (Liff, 2007). Disciplinary procedures are means through which an organisation's disciplinary norms or rules may be adhered to, in conformity to the organisational culture, thus mitigating disharmony, conflict and deviance at the workplace (ACG, 2012). Disciplinary procedures are a body of rules, observances and methods of dealing with employee acts, omission or behaviours that are out of sync with organisation's expectations (Liff, 2007). Often, these are documented in manuals which are handed to employees as a code of conduct.

Consistency in disciplinary procedures

A disciplinary procedure is the process which an organisation establishes as its pattern to adopt when employees breach organisational rules that, which require sanctions including dismissal. A departure from the pattern could lead to litigations and/or annulment of the organisation's action (Chianu, 2007). According to Williams (2002) inconsistent discipline can also be a challenge if the disciplined or errant employee approaches the courts for redress.

Consistent decision-making in disciplinary procedure defines a situation where disciplinary procedures and decisions apply to all staff equitably. According to the University of Strathclyde, in Glasgow (2014), its disciplinary procedure applies to all its employees irrespective of fixed term or open-ended contract status, grade and staff category. It further states that the university will act fairly and consistently when applying this procedure; that the university will act timely and dispense with meetings decisions; and that these decisions are simply interpretations of extant rules in respect of specific contexts and actions. The interpretations should be predictable and consistent so that staff members are aware in advance of decision outcomes in respect of the different courses of action (Landy & Conte, 2008). Knight and Ukpere (2014) declare that where disciplinary procedures are not consistent, the effect of these on staff are likely to be inconsistent in such organisations. Conversely, several studies confirm that when disciplinary procedures are consistent across the workforce, the effect on staff morale is positive (Miner & Brewer, 1983; Odumosu, 1994; Banjo, 1997).

Disciplinary rules and procedures in Nigeria

The following is a synopsis of empirical disciplinary rules and procedures as applicable to Universities and the public service. In Nigeria, there are three types of Universities: private universities, state-owned universities and federal universities. Federal universities owe their existence to enabling University Statutes. It is these statutes that guide their operations and disciplinary procedures in addition to public service rules. The Federal Governments (2008) Public Service Rules (PSR) enjoins every worker to acquaint himself or herself with disciplinary rules in the workplace. In other words, it transfers the burden of knowledge about disciplinary rules to the workers. However, the supervisor or supervising officer has the duty to observe and bring to the attention of the worker any shortcomings or faults in the work of subordinate staff. Where a worker is found to be wanting in his or her duties, management may issue a warning with a view to improve the worker's performance. If the worker fails to improve and incurs up to three (3) or more warnings, the worker can be relieved of the work based on inefficiency.

An offence in the workplace has to do with actions or inactions that run contrary to the rules of procedures of engagement at the workplace. Disciplinary activities are implemented to discourage these offences. According to Public Service Rules (2008) workers may be disciplined generally for: (a) inefficiency, (b) misconduct (c) serious misconduct and (d) conduct prejudicial to security.

Disciplinary decision-making

Disciplinary decisions require careful administration especially with respect to when, how and why the particular employee must be disciplined. This is also to ensure that discipline follows extant rules which are laid out in documents. These documents require appropriate interpretation (Nnokam, 2006). In point, one of the most difficult assignments of managers relate to taking disciplinary decisions. This is because if discipline is executed wrongly it could generate negative effects for the organisation, including litigations, loss of morale, among others, which may lead to a decrease in outputs, loss of time, as well as human and material resources (Nwafor & Nnokam, 2012). When discipline is conducted efficiently, the disciplined staff member is reformed; other colleagues may also learn from the disciplinary experience, and the overall effect in the organisation is an improvement in productivity and welfare (Cole, 2006). Hence, disciplinary decision-making is critical.

However, according to Saundry and Jones (2010), there is a widespread perception that, if left to their own devices, operational and line managers could become susceptible to procedural abnormalities and inconsistent disciplinary decisions that could expose their organisations to increased litigations, arising from irregular and inconsistent decisions. This is because there are varied theoretical models of decision-making which include the model of bounded rationality, the rational model, the organisational procedures view, the incrementalist view, the individual differences perspective, the political view, the garbage can model, the multiple perspective approach, and the naturalistic decision-making (Turpin & Marais, 2004).

In all, the model relevant here is the *organisational procedure view* also known as the programme model (March, 1988); which deals with decisions as arising from system-wide laid out procedures. In other word, decisions follow laid down rules. This view attempts to understand decisions as outcomes of procedures, *outlined in organisational manuals*. In other words, decisions including disciplinary decisions should align with defined organisational procedures. So, the continuous practice or use of the procedure affects the thought processes of decision makers.

This is consistency. This is what March (1988) refers to as *routinised thinking of the people* involved in such decisions. Decision-making, therefore, follows a consistent procedure which is likely to generate the same results for similar challenges, activities or occurrences. This enhances predictability of outcomes in such situations. If there is an infringement, the outcomes can be anticipated easily. It is doubtful if this model is consistently applied in many organisations especially in universities in Nigeria (Nwafor & Nnokam, 2012).

As shown by Ogbogu (2013) the university is a complex organisation owing to the myriad of activities that occur within it. This has informed the use of committees as facilitators in decision-making. Ogbogu (2013), however, notes that though the committee system has been extensively used for decision-making in the university, some of these decisions, which are derived from democratic processes, are not used by some university managements when the decisions are at variance with either other rules or interests.

Accordingly, Ogunbameru (2008) defines decision-making as the method that organisational management use to settle known difficulties in workplaces. Like a strategy, decision-making should involve relevant stakeholders, which is why universities use the committee system. Four stages of an effective decision-making process can be identified as shown in Figure 1 below:



Figure 1: Stages in Decision-Making Process

Source: Adapted from Ogunbameru (2008 p 305).

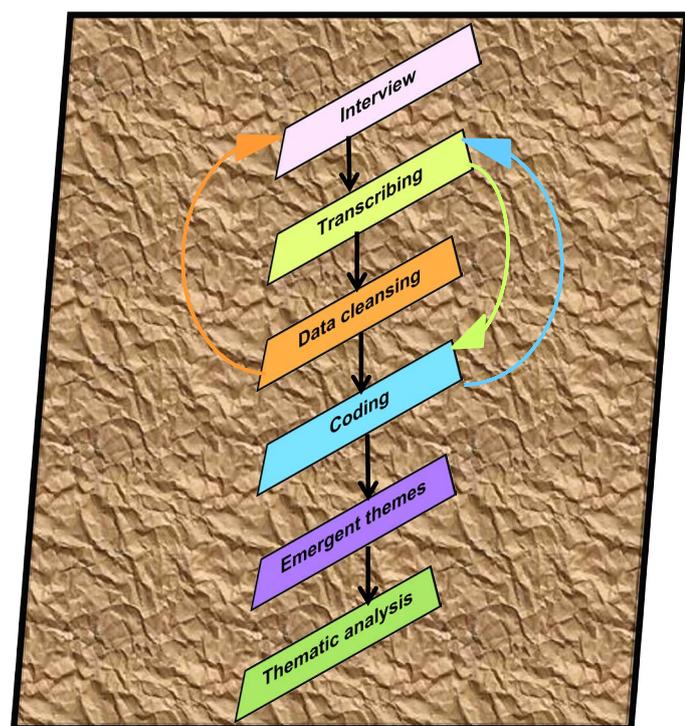


Figure 2. Steps taken in the thematic analysis

Source: Author's fieldwork

Consistency in decision-making in disciplinary matters

If the processes described in Figure 2.1 above have been followed to arrive at particular disciplinary decisions for an identified employee, then these decisions are likely to be reasonable and consistent. The challenge arises when decisions, which had been painstakingly arrived at based on precedents are later shoved aside and replaced with other decisions for no obvious reasons, except for perceived primordial sentiments. This inconsistency may amount to contradiction. According to Walasan (2010), consistency in disciplinary decision making could be historical or contemporaneous. In historical consistency, the employer should apply the same rules, procedures and processes for similar offences across time. In other words, if an offender (say for coming late to work) was denied a day's pay yesterday, the same punishment should be extended to any other worker who subsequently commits the same offence. If, however, any need arises for a change of policy, the staff concerned could be properly briefed of the change in policy. The contemporaneous consistency, on the other hand, defines situations. Here the rules must be consistently applied between at least two staff members who have contravened organisational policy or policies in the same way. For instance, it is difficult to explain the rationale for a discriminatory application or interpretation of an organisational rule to two persons who had infringed on the same day, and perhaps even at the same time. As an example, assume that two officers were absent from duty on the same day, and yet they both live at the staff quarters and none had prior authority to do so nor sought permission for this purpose. It will be inconsistent to without further reasons, query one of these and excuse the other. In any case, rules in the organisation must be aligned with the general laws that govern society. When there is a breach or inconsistent application of the rules, there is an issue and the courts are empowered to protect the rights of the workers as contained in the Constitution of Nigeria (Agbakoba, 2016).

Consistency is the hallmark of ethics, which is supposed to provide a guide for moral living (Velasques *et al.*, 1988). If an organisation's policies or principles lack consistency, then there is a challenge, because if this happens in disciplinary procedures, then the true definition of such policy might be confusing, and this could impact staff's perceptions.

Research Methodology

This article adopted the interpretivist paradigm as the research paradigm. As a qualitative enquiry, the article relied primarily on interviews. Secondary data were also obtained from journals, text books, law reports, etc. Thematic analysis was used to analyse the data. Using purposive sampling technique, fifteen persons who were sufficiently knowledgeable about the topic of enquiry were chosen as sample from the population. These fifteen persons who duly gave their consent as participants were interviewed, and this constituted the nucleus of primary source of data. The code 'PA', 'PS' and 'PJ' were used to differentiate the categories of persons interviewed in relation to the case university, namely, academics, senior administrative and professional, and junior administrative and professional staff respectively. The interviews were semi-structured, which gave participants the opportunity to freely air their views on the issues of discourse, though they were guided with relevant questions. The transcripts of responses of the interviewees were coded. From the data the common themes that emerged from the codes were reflected upon. The views of the interviewees as expressed in their verbatim quotes in

relation to the themes that emanated from the codes were also reflected upon. The steps taken in the thematic analysis are summarised in Figure 2 below.

The case-study was carried out at a university located in Nigeria. As a university, its objective revolves around contributing to society through the building of human capital. Accordingly, this function is transmitted to society via teaching, study research and community service (Otto, 2017).

Analysis of Data and Discussion of Findings

Consistency of disciplinary decisions is at the root of the disciplinary decision-making. Thus, a disciplinary decision outcome is said to be unfair if it is not consistent with specific rules meant for the purpose or with the rules of natural justice or with similar cases. The focus here is to attempt an analysis with a view to identifying the degree of consistency of decision-making in disciplinary procedures at the case university. To elicit the views of the sample population, three interconnected questions asked to each interviewee relate to consistency of disciplinary decision-making with the extant rules; consistency of disciplinary decision-making with respect to similar cases; and consistency of the entire disciplinary process.

Consistency of disciplinary decision-making in the case university

Consistency of disciplinary decision-making is in connection with the alignment of the disciplinary decision-making to extant rules and precedents, which have been crystalized as interpretations of the establishment's rules. Since the laws or regulations are the same, if decision-making is consistent in the particular workplace, then the law or regulation may be said to guide disciplinary decision-making and would be seen as the basis of the rule by management in the particular workplace. This is what is referred to as 'the rule of law', within the workplace (Chianu, 2007; Ciulla 2004; Adah, 2000). If the disciplinary decision-making is consistent in the workplace based on extant laws, and irrespective of who contravenes the laws across time and space, then workers can be sure that whenever anybody contravenes any particular organisational rule, regulation or law, then the outcome would be predictable, since the same or similar transgressions, of what had been the case previously for same or similar transgressions. This high predictive power will spur confidence among the workforce because they know what drives operations at the workplace, are known laws instead of the unpredictable whims and caprices of the institution's supervisors, managers or leaders (Ciulla, 2004). The need for consistency is, therefore, imperative.

The place of discipline in any workplace cannot be over-emphasized. This is because of the heterogeneity of cultures, persuasions, tendencies and the need to have a unified, cohesive, peaceful and harmonious environment that can promote productivity in any establishment (Grogan, 2017). This, applies even more to a university or higher institution of learning. In fact, as one of the interviewees (PA2) noted:

"... anywhere there are no rules and no discipline I don't know how that place will be, so, not to talk of the university where you have all kinds of people from different backgrounds."

A university is often seen as a microcosm of the society in which it is situated, so often it tends to proximate the characteristics of such societies. These could be positive and negative including tendencies that, if left unchecked, will work against the institution's aspirations and visions. Also, in a university, there is freedom especially among

academics to express themselves and opinions in many aspects of life including the subject that they profess. As such, universities are reflection of free societies. Again sometimes, the exceptional cognitive ability that an academic requires may reside in people who have negative attitudes, and behaviour, such as a quick temper, impatience, and other vices, which may not be noticed at the time of the employment interview. It is in pursuance of the need to create mitigating measures to these tendencies that rules, policies, regulations and laws are generally established at such institutions. In the words of PJ1:

"...policy is there to ensure that we don't take laws unnecessarily into our hands."

Consistency of disciplinary decision-making with respect to extant rule

The article explored the praxis in terms of consistency in the disciplinary decision-making at the case university. From the views espoused by the different interviewees, the following information can be gleaned; of the fifteen interviewees, a total of three, namely PA1, PA3 and PA5 perceived that disciplinary decision-making in the university was not consistent; conversely, three, namely PA4, PS3 and PS5 posited that disciplinary decision-making in the case university was consistent to some extent, while the other nine interviewees stated that disciplinary decision-making was consistent in different dimensions, including: (i) historical consistency; (ii) contemporaneous consistency; (iii) consistency of procedural decisions; and (iv) consistency in decision-making with respect to substantive matters. When combined, there was consistency in disciplinary decision-making in the university with respect to the extant rules, as an overwhelming majority of the interviewees stated that disciplinary decision-making in the university was consistent. In fact, it can be extended from the findings that twelve of the interviewees agreed that there was consistency of disciplinary decision-making at the case university. This is because only three interviewees stated that there was inconsistency. PS2 (one of the interviewees) summarised this position when he said:

"Yes, the committee decisions are based on extant university rules."

PJ2 (one of the interviewees) also restated this view, and claimed:

"Yes, the disciplinary decision-making is consistent with university rules..."

Accordingly, Figure 3 below is a graphic representation of the views of the fifteen interviewees.

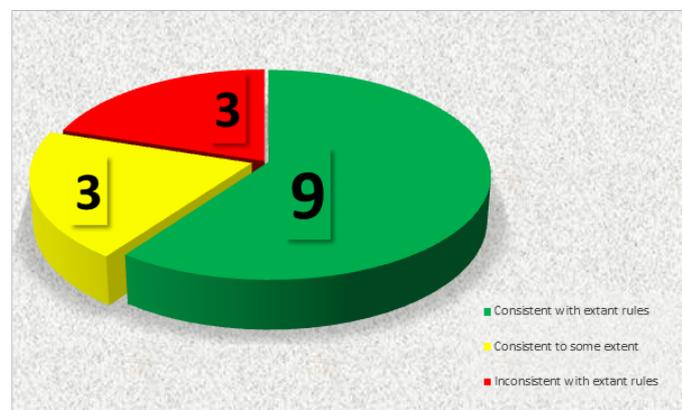


Figure 3: An overview of consistency of disciplinary decision-making with regard to extant rule in the case university

Source: Author's fieldwork

This result is in tandem with the recommendation of Landy and Conte (2008). According to these, disciplinary decision-making should be consistent with extant rules. On the other hand, the result differed from the outcomes of Nwafor and Nnokam's (2012) study though as they observed that there is an increasing incidence of inconsistency in disciplinary decision-making in institutions of higher learning in Nigeria, leading to rising litigations in public courts. In all, the findings show that disciplinary decision-making was consistent with extant rules as twelve out of the fifteen interviewees stated that there was consistency of disciplinary decision-making with respect to extant rules.

Consistency of disciplinary decision-making in procedural and interactive issues

It is important to mention that the focus here will be procedural consistency which will include how authorities relate with those suspected to have contravened. For instance, in the case university, the decision environment includes decisions of procedures such as establishing disciplinary panels or committees to deal with and investigate staff who contravened the rules. The findings indicate that the university's decisions to use disciplinary committees or panels were consistently made in accordance with extant rules as noted by PJ2 (one of the interviewees) below:

"Yes, the disciplinary decision-making is consistent with University rules, because the committee was properly constituted in accordance with extant University rules, including representatives from different segments of the University..."

The Constitution of the Federal Republic of Nigeria (CFRN, 1999), which is the 'grand norm' in Nigeria and hence applicable to the university, states that suspected offenders are presumed innocent until found guilty. This is interactional justice. Those accused of wrong doing cannot be denied basic human rights, and must be given opportunities to engage with those accusing them so that they may defend themselves until proven guilty or not. According to PS4 (one of the interviewees):-

"...they (the committee) gave me the opportunity to react to the allegations against me, they looked into the case before they took their decision."

In point, PS4 said that he was duly given an opportunity to be heard on the matter which he was suspected to have faulted. This is a standard requirement of the Constitution of the Federal Republic of Nigeria (CFRN, 1999).

Every person who is suspected to have committed a wrong deed has the right to be heard (Section 36 of the 1999 CFRN). Suspected offenders need to be informed of the alleged offences, and given time to prepare their defence before the appropriate authorities (Edeko, 2011). This is a major demand of natural justice and in respect of a fair hearing. Consistency in disciplinary decision-making demands the application of this rule. Simply put, employees who are alleged to have contravened rules were afforded their rights, and assumed to be innocent until their guilt was established. This is consistent with Edeko (2011) and also the 1999 Constitution of Nigeria. However, this does not preclude precautionary suspension when the need arises. This finding also agrees with Article 7 of the African Charter on Human and Peoples' Rights, which provides that every accused person shall have the right to a fair hearing, that is, be presumed innocent until proven guilty.

Consistency of disciplinary decision-making on substantive issues

Apart from the process, there are also the substantive issues. These are the main actions or inactions that attract the disciplinary process

and panel. Often, these are guided by clear laws. According to the 1999 Nigerian Constitution (CFRN, 1999), nobody can be tried except for contravening an existing law. The committee or disciplinary panel chairperson must hence first determine if the employee did have indeed commit a known offence. It need not be proven beyond a reasonable doubt, but simply on a balance of probability that the staff is guilty (Bendix, 2016). This is an important part of the organisational justice or disciplinary decision-making process, which leads to the final outcome of the investigation and punishment.

In the case university, the findings show that decisions were made by committees, and not by a chairperson, and these decisions were consistent with extant rules. PS4 (one of the interviewees) noted in this regard:

"The decision was consistent with extant rules"

This was also reinforced by PS2 (one of the interviewees) when he said:

"Yes the committee decisions are based on extant rules, when they found out that I was innocent in what happened they let me go, they were really consistent with the rules..."

The findings show that this was the situation in many cases. But consistency in disciplinary decisions is usually in respect of the express rules or with respect to the interpretations of previous cases referred to as precedents.

Consistency of disciplinary decision-making with previous similar cases

With regard to consistency of disciplinary decision-making following previous cases, the findings show that disciplinary decision-making was indeed consistent. PA2 (one of the interviewees) mentioned that:

"Yes, it was consistent with similar cases. So, I had to accept because there is nothing I can do about it since the committee relied on extant rules and this was applied to others as well."

Similarly, PS2 (one of the interviewees) posited:

"Yes, the disciplinary decisions are consistent with similar cases"

The assertion of PS2 was reinforced by PS4 (one of the interviewees) who posited that:

"Yes, it was the same with cases that are alike with that of mine, the decision was consistent with similar cases in the university."

This was the situation in many instances. In point, the interviewees affirmed that disciplinary decision-making largely aligned with similar previous cases in the institution. This is shown in Figure 4 below.

In sum, three interviewees saw the disciplinary decision-making process as inconsistent. This includes PA1, PA3 and PA5. Four other interviewees were of the opinion that disciplinary decision-making was partially consistent. These are PA2, PA4, PS5 and PJ5, though PS5 pointed out that inconsistent decisions at the lower levels get corrected at higher level. Aside these seven interviewees, the remaining eight interviewees acknowledged that disciplinary decision-making is consistent. The different views are presented graphically in Figure 5. Thus, it can be said that the disciplinary decision-making in the case university is consistent to a large extent.

Recommendations

Arising from the findings, some recommendations are necessary to help the case university to enhance consistency in disciplinary decision-making.

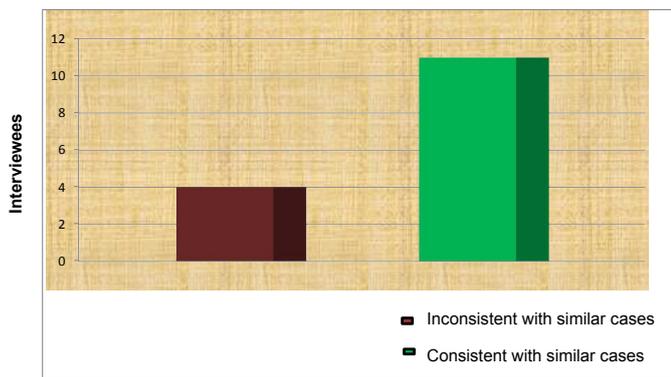


Figure 4: Summary of research participants' views on consistency of disciplinary decision-making with respect to similar cases

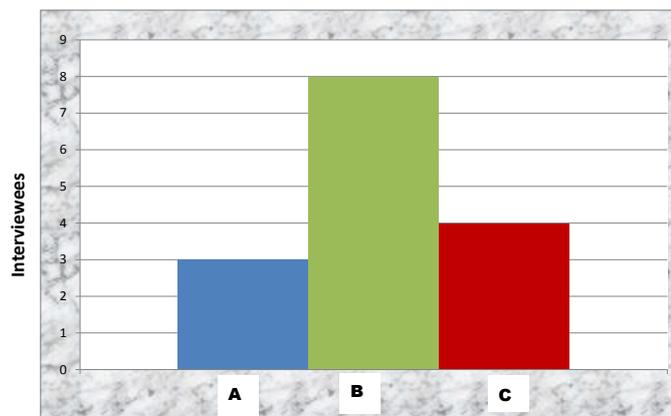


Figure 5: Consistency of the entire disciplinary decision-making process

Source: Author's fieldwork

Legend: A = Inconsistent disciplinary decision-making; B = Consistent disciplinary decision-making; C = Disciplinary decision-making partially consistent

A need for induction and periodic orientation for employees

There is a need for more efficient induction programmes to be organised especially for new employees. There is also need for periodic orientation and re-orientation of staff about the code of conduct of the university. This can assist staff especially new staff to become familiar with the code of conduct and minimise infringements of the code of conduct in the university as a result of ignorance.

Monitoring and evaluating disciplinary panels/committees' activities

The university management should monitor the activities of its disciplinary panels and committees to ensure that leaders of such disciplinary committees incorporate the views of members towards the decision-making of the committees instead of usurping the powers of the disciplinary committees and imposing their own notions as decisions of the disciplinary committees and panels which they chair.

More transparency and publicity of disciplinary decision-making required

In spite of the consistency recorded, there should be deliberate efforts by the university leaders to encourage more transparency and publicity of disciplinary decision-making at all levels in the case university.

Conclusion

In conclusion, it is observed that there is consistency in disciplinary decision-making at the case university. The findings show that three

interviewees (PA1, PA5 and PA3) were of the opinion that disciplinary decision-making was not consistent. Another three interviewees (PS4, PS5 and PA4) also felt there was consistency in the disciplinary decision-making to some extent, while nine interviewees submitted that disciplinary decision-making was consistent at the case university.

The three elements of disciplinary decision-making in workplace justice; namely the interactional, procedural and substantive justices, cumulatively, were largely consistent in the university as indicated by the interviewees. While there is room for improvement, the university to an extent satisfied the standard expectation of the Nigerian labour law, the 1999 Constitution of the Federal Republic of Nigeria, and the natural justice expectation.

References

- Adah, E.G (2000) *The Nigerian Law of Evidence* Malthouse Press, Lagos.
- Agbakoba E.N. (2016) *Mbobo Erasmus Vs Akwa Ibom State University National Industrial Court of Nigeria Suit no: NICN/CA/43/2012*
- Agbakoba E.N. (2016) *Mfon OKon Udo vs Rivers State University of Technology in the National Industrial Court of Nigeria Suit no. NICN/CA/137/2013 delivered on 13/04/2016.*
- Ajayi, K. & Adeniyi, A. (2009). Pursuing Discipline and Ethical Issues in Tertiary Institutions in Nigeria *African Research Review* Vol 3 (1) P.284-300.
- Alubo, O. (1999). Globalization and the Changing Role of Universities in Nigeria. *The Nigerian Social Scientist*. Vol. 2(1).
- American Consulting Group (2012) *Corrective Discipline Webinar series for Employers, Nov. 13.*
- Arrey, O. B. (2013). Attitude to Work by Nigerian Workers: A Theoretical Perspective *Global Journal of Management and Business Research*. Vol. 13, Issue 12, p. 5-7.
- Banjo, S. G. (1997). *The Effect of Discipline on Employee Efficiency in Business Organisations*. Unpublished HND Thesis. Department of Business Administration and Management, Yaba, Lagos.
- Bendix, S. (2016) *Labour Relations a South African Perspective* (6th ed) Juta and co. South Africa.
- Briggs, T. (2015). Imperatives of Electoral Development and the Rivers Experience *Vanguard Newspaper*, Vol. 25 (62394), April 29, P59
- Chella, G. (2006). Discipline and the Knowledge Worker *Business Line* Print Edition Nov. 6.
- Chianu, E (2007) Towards Fair hearing for all Nigerian Employees *Review of Nigerian Law and Practice* Vol 1 (1) p. 29 - 43.
- Chianu, E (2007) Towards Fair hearing for all Nigerian Employees *Review of Nigerian Law and Practice* Vol 1 (1) p. 29 - 43.
- Chirasha, V. (2013). Management of Discipline for good Performance: A theoretical perspective *Journal of Social Sciences Research* vol 2(7) ISSN 2277 – 0844
- Ciulla, J.B. (2004). *Ethics; the Heart of Leadership* 2nd Edition, West Port , Conn. Praeger.
- Cole, G.A. (2006) *Management Theory and Practice* 6th Edition Book Power, London.
- Dewi, M.K., & Tanjung, H. (2007) Discipline without Punishment – Is it Possible, in *Issues in Islamic Management, Theories & Practices* Khalig, A; R.A Islam & Y. Ismail eds
- Egwoba, G.L (2006). *Discipline and Disciplinary Measures in Nigerian Public Service: A case study of Kaduna Polytechnic*, unpublished.
- Fenley, A. (1998) Models, Styles and Metaphors: Understanding the Management of Discipline *Employee Relations*
- FGN (1990). *Nigerian Labour Act*. Abuja.
- FGN (2009). *Public Service Rules* Abuja Federal Government
- FGN (2011). *Constitution of the Federal Republic of Nigeria (1999) as amended with the National Industrial Court*, signed 4th March, 2011.
- Garner, E. (2012). *Effective Discipline. How to Manage Discipline at work*, Vent Publishing, APS.

24. Grogan, J (2017) *Workplace Law* 11th Edition Juta, South Africa.
25. Haralambos, M., Holbom, M., & Heald, R. (2008). *Sociology: Themes and Perspectives* Harper Collins. London.
26. Heimann, T. & Hilgert, R. (1977). *Supervision Concepts and Practices of Management* South Western Publishing Company Ohio.
27. Johnson, J.I., & Leary-Kelly, O. (2003). The Effects of Psychological contract, Breach and Organisational Cynicism: Not all Social Exchange Violations Are Created Equal. *Journal of Organisational Behaviour*.
28. Knight, X and W. I. Ukpere (2014) The Effectiveness and Consistency of Disciplinary Actions and Procedures Within a South African Organisation, *Mediterranean Journal of Social Sciences*. Vol. 5(4) P.589-596
29. Landy F.J. & J.M. Conte (2008) *Work in the 21st Century: An Introduction to Industrial and Organisational Psychology*. Malden USA Blackwell publications.
30. LFN (2004) *Laws of the Federal Republic of Nigeria*
31. Liff, S. (2007). *Managing Government Employees* Amacom. Management Association New York
32. March, J. G. (1988). *Decision and Organisations* Basil, Blackwell Oxford
33. Mbiti, D. (1977). *Foundations of School Administration*. OUP. Addis Ababa.
34. Miner, J. & Brewer, J. F. (1983). The Management of Effective Performance in Marvin D.(eds) *Hand-book of Industrial and Organisational Psychology*. Chicago: Rand McNally.
35. Ndu, E. C. (2002). *The Primordial State* Amajov & co. Port Harcourt.
36. Nel, P.S., Kirsten, M., Swanepoel, B.J., Erasmus, B.J., & Poisat, P. (2012) *South African Employment Relations: Theory and Practice*. 7th ed. Pretoria: Vonshak Publishers.
37. Ngu, M.S. (1990). *An Introduction to Personnel Management in Nigeria* Gaskiya Press Nigeria.
38. Nnokam, N.C. (2006). *Litigations in the Institution of Higher Learning in Rivers State: Percieved causes and Management strategies*. Unpublished M.Ed Thesis.
39. Nnoli, O. (1980). *Ethnic Politics in Nigeria*. Enugu. Fourth Dimension Publishers. North West Government (1997) BCCR (LC)
40. NOUN (2014). *Labour Law Manual*. National Open University of Nigeria.
41. Nwafor, S.O. and Nnokam, C.N. (2012) Perception and Management of Litigations between Staff and Authorities in Rivers State Institutions of Higher Education *Academic Research International* Vol 3(1) July 2012.
42. Nwakaudu, S. (2014). *Ten African Centres of Excellence, Positive Research Milestone for Nigerian Universities* www.premiumtimes.com culled on 16/5/2015.
43. Odumosu, O. (1994). The Influence of Sanctions on Employees Performance, *African Journal for Psychological Studies of Social issues*, Vol. 1&2.
44. Ogbogu, C. I. (2013). The Role of Committees in the Decision-Making Process in Nigerian Universities, *International Journal of Business Management*. Vol. 8 (16), p. 72-77.
45. Ogunbameru, O.A. (2008). *Organisational Dynamics*. Ibadan: Spectrum Books.
46. Okonkwo, C.O. (1996). *Discipline, Nigerian Universities and the Law*, Nigerian Institute of Advanced Legal Studies (NIALS) Annual Lecture Series (14).
47. Onderi, H.L.N., & Odera F.Y. (2012). *Discipline As a tool for Effective School Management Educational Research* 3(9) 710-716
48. Otto G. (2017) *Welcome Address of the Local Organizing Committee*, South-South Economic Conference, November 6-8, 2017 at the University of Port Harcourt.
49. Saundry, R. & Jones, C. (2010). *Managing Workplace Discipline; Who Holds the Key? Employment Relations Comment*. University of Central Lancashire.
50. Schenk, H. (2009). Human Resource Policies and Practice in *Organisation! Behaviour* S.P. Robbins, T.A Judge, Aodendaal & Roodt eds Pearsons Education South Africa
51. Turpin, S. M. & Marais, M. A. (2004). Decision-making: Theory and practice *ORiON* Vol 20(2) pp143 – 160 <http://www.orssa.org.za>
52. University of Strathclyde, Glasgow, (2014) Mimeo
53. Velasaques N. Andre C Thomas S. J. & M. J. Meyer (1988) Consistency and Ethics Vol 1 [http://www.ssu.edu/ethics/practicing decision/consistency/html](http://www.ssu.edu/ethics/practicing%20decision/consistency/html).
54. Vonai, C. (2013). Management of Discipline for Good Performance: A Theoretical Perspective, *Journal of Social Science Research* 2(7) 214-9
55. Walasan, R. (2010). *Consistency in the Application of Discipline Mesrumules*.
56. Weiler, H.N., Guri-Rosenblit, S. & Sawyer, A. (2006). *Universities as Centres of Research and knowledge Creation* Unesco Report Colloquium on Research, Paris November.
57. Williams, A.H. (2002). *How to Discipline and Document Employee Behaviour*. Lee Smith Publishers, Tennessee.