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Abstract

Phenomenology research design was adopted for the legal study, a thesis titled legal appraisal of gender diversity and corporate governance in Nigerian quoted companies. This research design was selectively adopted to aid a direct investigation, proper understanding and interpretation of quality data obtained from research participants. The primary sources of data were laws that is, legislation, governmental policies, reports, cases and interviews from prominent participants that revolves around issue of investigation and that are capable of effecting positive changes. Secondary sources of data were mostly derived from the university's law library, online via electronic e-resources, library archives and database.

This research design enabled high quality interactions, detailed responses and feedbacks from Nigerian quoted companies' top corporate and management team officers such as chief executive officers or managing directors (CEOs/MDs), chief operating officer (COOs) chief financial officer (CFOs), chartered company secretaries and administrators (CoSecs) executive directors (ED) as well as indispensable regulators in different industry strata.

The study made some propositions and conclusion based on the logical inference from the diverse interviews recorded, transcribed and collated. Phenomenology research design was unique and fundamental in the successful execution of field work for this study.

Keywords: legal study, methodology, phenomenology and research design

Introduction

This paper explains in succinct details, the methods employed in executing the legal research thesis titled legal appraisal of corporate governance and gender diversity in Nigerian quoted companies. It provides an extensive information on the general methods and procedures by which the study is carried out. It justifies the means by which data for the study was obtained and analyzed. It specifically focuses on the research design, target population, methods of data collection, sources of data, research instrument, and validation of research instrument, administration of research instrument, method of data collection analysis, ethical considerations and post research benefits.

Research Design

The study employed the phenomenology research design which is a qualitative research method, as the appropriate and effective research design based on the central aim and nature of this legal study, that is the legal appraisal of corporate governance and gender diversity in Nigerian quoted companies. This research design empowered the researcher to conduct direct investigations, description of the phenomenon, depend on inferences around the targeted populace of the research and analyze data without the aid of quantification of results through statistical summary and it classically encompasses in-depth interviews and observations devoid of prescribed measure. The investigation was comprehensively descriptive which allowed "the researcher to delve into the perceptions, perspectives, understandings, and feelings of the interviewees who had actually experienced and living the

phenomenon of interest" ^[1].

The ultimate aim of a phenomenology research design is a direct investigation and description of phenomena ^[2]. Hence, the rationale for the adoption of the phenomenology research for this study was that, with first-hand comprehensive data gathered, the researcher understood the study in a new light, made generalizations of the findings and suggestions on how the issue of the study may be improved.

Population of the Study

The targeted population of the study comprised of the top executive officials, that is, the leadership and management teams in selected top hundred quoted companies in Nigeria as listed on the Nigeria Stock Exchange (NSE) from 2011 to 2019. As well as, senior corporate professionals, corporate governance academic experts and corporate law regulators. These top executive officials are within the ranks of MD/CEOs, COOs, CFOs, EDs, CoSecs and NEDs. The geographical scope of this research participant is Nigeria specifically, Abuja, Ibadan and Lagos. The essence was to target research participants that is, interviewees that are knowledgeable about the essence of gender diversity and corporate governance principles and could give informed opinion of the Nigerian quoted companies. It is expected that to attain the position of top executive official, the board

¹ John W. Creswell, *Qualitative Inquiry & Research Design: Choosing Among the Five Approaches*. (2013, Thousand Oaks, CA: SAGE Publications, Inc. pp.77-83); Alison Rodriguez & Joanna Smith, 'Phenomenology as a healthcare research method' (2018), Volume 21, Issue 4, 102.

² John A. Maxwell, *Qualitative Research Design: An Interactive Approach*. (2013, Thousand Oaks, CA: SAGE Publications, Inc. pp.135-136).

of director or staff would have put in about ten (12) to fifteen (15) years working experience and would have attended certain training programs that would give such member adequate knowledge about gender diversity and corporate governance. Therefore, the top executives - senior management officers in these quoted companies constituted the working population of the study.

The estimated population of this study is the top 100 quoted companies in Nigeria, with total number of male representation being 1,027 while the total number of female representation is 270. This was chosen from the overall total of 167 quoted companies listed on the Nigerian Stock Exchanges' website as at 10th September, 2019. These corporations ranges from agriculture, construction, consumer goods, financial services, oil and gas, real estate, health care and services. More so, the market capitalization and managerial team of these listed corporations were notable in showing their current status as obtained from the NSE website and the companies' distinct homepages respectively. Also, the date of incorporation indicates how longstanding the companies are in terms of the date of listing, their suitability for the eight years duration of this study and it also reflected and informed on how old and relevant they have been in practice. Nonetheless, there is no specific calculation or formula to determine the exact number of the respondents that must be interviewed based on the flexibility of a phenomenology research design which is qualitative research method. However, the researcher interviewed as many as possible interviewees, whilst covering every segment of the industry groupings.

Table 1: Breakdown of the Population of the Study Top 100 Companies

Industry Groups	Number of Companies
Agriculture	2
Banks (Financial Services)	17
Conglomerates	5
Construction and Real Estate	3
Consumer Goods	13
Financial Services	16
Healthcare	6
ICT	1
Industrial Goods and Services	9
Natural Resources	2
Oil and Gas	10
Services	16
Total (Companies) =	100

Source: Breakdown by Researcher, (2019). Adapted from the list of quoted companies by the NSE into their industry groupings.

As depicted in the table 2, out of the total of the top one hundred companies selected for this study, two are in agriculture; seventeen are in banking; five in conglomerates; three in construction and real estate; thirteen in consumer goods; sixteen in financial services; six in healthcare; one in ICT; nine in industrial goods and services; two in natural resources; ten in oil and gas and finally sixteen in general services. The researcher interviewed top executives officials in all of these industry groups.

Sources of Data

The data for this study was collated from primary and secondary sources. The primary data were gathered from laws and in-depth interviews of quoted companies' top

Executive officials as indicated in the population of this study. The official are within the ranks of MD/CEOs, COOs, CFOs, Co Secs, NEDs, regulators, senior corporate governance professionals and corporate governance academic experts, that were located in Lagos, Ibadan and Abuja.

The secondary sources were drawn from relevant literature, journal articles, textbooks, media reports, annual reports of quoted companies, relevant international bodies and government publications, memos of concerned corporations, unofficial documents such as personal correspondence, websites and internet sources. The advantages of secondary data are cost and time savings, while the disadvantage relates to the numerous data that has to be cautiously selected. The data from the secondary sources enriched and supported the validity of findings obtained from primary data.

Data Collection Procedure

The methodology for data collection procedure was on in-depth interviews, observation as well as review of relevant documents and laws, because a qualitative research method was utilized. In-depth interviews were used for obtaining qualitative data from respondents in order to investigate through phenomenology research design, their descriptive perspectives and experiences on the specific research issue. The primary advantages were that they gave more information than what was obtained from other methods of data collection as top notable and experienced participants provided significant contributions to the investigative enquiry. In addition to the above, another notable advantage was the use of open-ended questions that probed and gave participants the opportunity of responding in their own words, rather than forcing them to choose from fixed responses.

Between October 2019 and January 2020, in-depth interviews were conducted on male and female with a total of (62) top executive officials within the ranks of MDs/CEOs, COOs, CFOs, MDs, Co Secs, NEDs, regulators, senior corporate professionals and corporate governance academic experts in Lagos, Ibadan and Abuja. Twenty nine (29) were from top quoted companies' executive officials; seventeen (17) were from regulators; Ten (10) were from academic experts while six (6) were from corporate professionals. The researcher covered each segment of the selected one hundred quoted company's industry groupings as delimited for this study in the scope of the study in 1.6; chapter one and 4.2, table 2, in chapter four which is the breakdown of the population of the study.

The interviewees were interviewed using different channels and methods such as face-to-face interviews, pre-arranged phone call and video interviews as well as e-mail interviews. Interviews were recorded with the express consent of the respondents. Apart from the tape recorded interviews, the researcher concurrently got them recorded manually. There were occasions when the researcher had started recording and sensitive personal issues especially on the barriers of gender diversity and how it has affected and still affects top executives at work and home. The tape recording was stopped at request of the interviewees when such issues were discussed. Such instances occurred eight times during the data collection period. Tape recording continued at the demand of the interviewees and it was granted by the researcher.

To enhance the quality of the data and improve its validity, the researcher also retrieved data through a systematic review of relevant electronic and printed documents on the laws on corporate governance and gender diversity and its reflections on corporate documents such as annual reports. Relevant documents were obtained from quoted companies' top executives, regulators and professionals such as the CIBN; CBN; NAICOM and NLS academics. Furthermore, the study analyzed documentary reports from the companies' houses (C.A.C; Nigerian Ministry of Internal Affairs NMIA; N.I.P.C; S.W.A.N; N.S.E; ISCAN; and S.E.C) as they were helpful in the instances when annual reports could not be retrieved online.

Observation was used to verify the accuracy of information given by the interviewees. The study adopted observation to verify some of the strategies and barriers or factors limiting women on corporate boards and for example, banks, financial institutions interactions and compliance with CBN directives on corporate governance and gender diversity on corporate boards.

Research Instrumentation

The in-depth interview guide as a research tool, was used to elicit information from respondents to aid the study's phenomenology research design. The in-depth interview guide was self-constructed and designed on the basis of the objectives of the study. The questions that were asked were drawn around the research question to extract information from top executive officials in quoted companies such as MDs/CEOs, COOs, CFOs, CoSecs, NEDs, regulators, senior corporate professionals and corporate governance academic experts in Lagos, Ibadan and Abuja. The interviews focused on the bio-data of the respondents, probed the level of corporate governance compliance especially with regards to gender diversity, the specific advocacy strategies and how successes have been measured. In addition, the researcher further probed their knowledge and opinion on the essence, benefits and improvement of gender diversity on their corporate boards. The interviews also inquired about the barriers impeding gender diversity on corporate boards and suggestions on the law, compliance and implementation.

The researcher's decision to use an in-depth interview guide was built on the potential that this instrument is valuable for gathering quality, detailed and in-depth information about personal reactions, feelings, perceptions, phenomenon and opinions. It allowed more detailed questions to be asked which facilitated a proper analysis of the research. The interview guide was designed by the researcher after consulting the FRCN Code of Corporate Governance (2018 launched in 2019) and the SEC Codes of Corporate Governance (2002, 2011). The guide is divided into three main sections, the first section focused on introductory questions and general enquiries about the company; while the other main and concluding sections, focused on the crucial issues of gender diversity, the legal review and corporate governance.

Validity of the Instrument

The extent of validity of an instrument is determined by its ability to measure what it was designed to measure. A draft of the in-depth interview guides were given to the researcher's supervisors to vet and critique for face and content validity. The face and content validity of the in-

depth interview guides was also ascertained through review by the methodology expert in Babcock University's main campus, Ilishan-Remo, Ogun State as well as by the researcher's reviewer at Iperu Law Campus, Babcock University and their suggestions were incorporated. This was to ensure that the questions in the in-depth interview's instrument would be able to elicit information they are intended to obtain, and also to determine clarity and appropriate use of language and expressions.

Administration of Research Instrument

The interviews were conducted solely by the researcher while the two trained research assistants were good supporters all through the different journeys forth and back. They basically sent out emails for confirmation of interview dates and appreciation email that were drafted by the researcher. A repetition of key questions in different forms but at different times in the course of the interview were asked by the researcher to ensure that the interviewees had a good understanding of them and also to ensure that the information gathered in relevant. The researcher travelled to Abuja Ibadan and Lagos to conduct the interviews. Before conducting the interviews, the researcher introduced herself, stated the purpose of the study and the consent forms were given to the interviewees. Different channels and methods were used to obtain data such as face-to-face interviews, pre-arranged phone call interviews, skype and WhatsApp video call interviews and e-mail interviews.

Method of Data Analysis

The data being qualitative was transcribed and content analyzed thematically that is, read, re-read and culled for like phrases ^[3] and themes that were subsequently grouped to form clusters of meaning ^[4]. Data obtained from interviews were grouped into themes related to the research questions. These were used to generate a detailed description for the study by reporting key findings under each theme, using verbatim quotes too illustrate them, where necessary. Through this process of content analyses, the researcher constructed experiences, understanding, situations and universal meaning of the research phenomenon.

This mechanism reduced and organized data to produce findings that mandated interpretation by the researcher. This was conducted with rigor and care being that "in a phenomenological research, the analysis begins as soon as the first data are collected" ^[5]. This commenced with each interview's logical and sequential analysis, conceptual clarification of the researcher's own preconceptions of the phenomenon under study. This is "bracketing" and it means suspending as much as possible the researcher's elucidations and entering keen on the interviewee's realm ^[6].

Limitations of the Study

There is no research work that does not encounter one

³ John A. Maxwell, *Qualitative Research Design: An Interactive Approach*. (2013, Thousand Oaks, CA: SAGE Publications, Inc. pp.135-136).

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⁵ Alison Rodriguez & Joanna Smith, 'Phenomenology as a healthcare research method' (2018), Volume 21, Issue 4, 102.

⁶ John W. Creswell, *Qualitative Inquiry & Research Design: Choosing Among the Five Approaches*. (2013, Thousand Oaks, CA; SAGE Publications, Inc. pp.77-83).

challenge or the other in the process of execution. For this study, the major challenge for starters, was the struggle of receiving the right connections to connect with in order to contact potential interviewees. However, with connections through important and popular individuals in high places and referrals by corporate governance academic experts, professors and lecturers in Babcock University, Iperu law campus, professional bodies such as the Institute of Chartered Secretaries and Administrators (ICSA); The Chartered Institute of Bankers of Nigeria (CIBN); (CBN) Central Bank of Nigeria's regulators and Nigerian Bar Association (NBA) which the researcher belongs to, were helpful.

This was followed by the issues of tracking, making several calls, sending reminder messages, following-up, repeated visits before finally getting to interview the interviewees at the agreed time, as they had very tight and busy schedules. There were about four instances whereby the researcher had to continue the interview at a later time and day because of the interviewees' impromptu engagements. A lot of times, interview appointments were forgotten by the interviewees and at other times, they were cancelled and rescheduled (after traveling long distance for the appointment). In addition, researcher observed that some of the top executive officials, the CEOs CFOs NEDs, COOs and CoSecs of top quoted companies in Nigeria were initially hesitant in giving relevant information about the study, as regards their corporate governance compliance with gender diversity, why there are not many women holding top executive positions and their perspectives on the effect of gender diversity on corporate boards until the researcher had to use her discretion to make them talk about their organizations and accomplishments first, before asking those questions pertinent to the research.

Apart from this, the researcher observed that as majority of these quoted companies, save for financial institutions do not have a specific gender diversity advocacy strategy even when they admitted that gender diversity does makes a great business sense. Owing to these challenges, the researcher further relied on the libraries of the Nigerian Stock Exchange (NSE); Nigerian Deposit Insurance Corporation (NDIC) and Central Bank of Nigeria (CBN).

Despite the challenges encountered during data collection process, with determination and perseverance, the researcher was able to surmount them because of the desire to achieve result, coupled with the assistance and encouragement of the research assistants. The researcher ensured that she interviewed all quoted companies' top executive officers, professional members and regulators under each segment of the industry groups or sectors delimited for this study in 4.2, table 2, which is the breakdown of the population of the study. They were interviewed in their locations and in places where the researcher could not reach them physically such as out of the country; pre-arranged phone calls; skype and WhatsApp video calls and email interviews were conducted.

Ethical Consideration

This study focused on human respondents that is, research interviewees, specifically regulators and quoted companies' top executive officials. Therefore, the researcher has a moral obligation to strictly consider the rights of the interviewees who provided additional insight and knowledge to the study. Hence, a draft of the in-depth interview guide was passed

through the Babcock University Health Research and Ethical Committee (BUHREC) for vetting. Ethical clearance was collected after necessary corrections were made and effected. It was important to consider these ethical issues so as to ensure the privacy and safety of the research participants also known as the interviewees.

Thus, the following ethical considerations were made during this research.

Confidentiality and Anonymity: Confidential information were protected with utmost care and due diligence. The researcher considered it ethically important to establish a trust relationship with the interviewee and to respect them as anonymous beings, where necessary, which enabled them proffer impactful and valuable information. Thus, this meant that such anonymous interviewees be identified using alphabets e.g. Mr. A or Mrs. A because their specific individualities cannot be traced back to them, publicly revealed or likened to the information that they provided. Confidentiality of the participants was respected, ensured and guaranteed.

Voluntary Participation: Interviewees were neither coerced nor unduly influenced, the interviews were voluntary and freely given. They were invited with a clear understanding that they were not under any obligation to respond and that there would be no negative consequences should they decide not to assist in carrying out the research. Furthermore, the researcher used reasonable interview guidelines to aid responses and prevent the interviewees from being or feeling interrogated. No participant was coerced or induced to provide any information on the study. Participation was voluntary and not under any form of duress and the wishes of participants who requested that tape recording be stopped at some point was obliged.

Informed Consent: The researcher relayed the vital details of the study. Interviewees fully understood the essence of the study before the interviews were conducted. They were not ambushed, they were given the interview documents via e-mail and personal delivery, prior to the scheduled interview appointments. The interview documents detailed the solicitation for interview letter, questions to be asked, the aim, purpose, objectives of the study and the significance of the study. More so, the interviewer communicated the need to follow up cues (nature of words, voice pitch, facial expression and body language) during the in-depth interviews in order to obtain the true meaning of the phenomenon.

Potential for Harm: Essentially, this study exterminated the potential and foreseeable physical harm, emotional harm such as embarrassment or social harm as part of the interviewees' anonymity ethical consideration.

Honesty/Integrity: The researcher was honest all through the course of the study and ensured that the data collection, analysis as well as the method and the procedure used are true. Agreements not to divulge certain personal information and stories were carefully kept strictly; acting ethically with sincerity and courtesy. The researcher also ensured that no false data included in the data collected and that the process of presenting and analyzing the data was not partial.

Respect for intellectual Property: This thesis esteemed intellectual property especially copyrights by referencing appropriately. The study avoided plagiarism by using published works and data with proper permission, acknowledgment and citation.

Financial Inducement: Neither money nor other material benefits was given to respondents in order to interview them or to cooperate with the researcher concerning the study. The researcher however ensured that cooperation on the part of the respondents was voluntary.

Non-Discrimination: The thesis avoided all forms of discrimination.

These ethical issues such as the consent, right to privacy and confidentiality of respondents are of paramount importance and were duly observed. Ethically, this study conformed to accepted professional practices and plagiarism was strictly avoided. Moreover, the completed research thesis would be made available to interviewees that requested, subject to the University's final approval.

Post Research Benefits

Quoted Companies: This research will improve understanding of top executive officials in quoted companies on the corporate laws and corporate governance in relation to gender diversity so as to capture the essence of gender diversity on their various organizations' corporate boards, in line with international best practices.

Body of knowledge: This research will significantly add to the body of knowledge of researchers and academicians in the field of corporate law, corporate governance administration/compliance in relation to gender diversity in quoted companies. The study will also contribute by enabling academics understand corporate governance better under the purview of legal appraisal and gender diversity.

Corporate Legal Practitioners/Regulators: This research will also be of immense benefits to legal practitioners, corporate governance scholars and regulators. Through this research they can identify the legal review, gender diversity and corporate governance and its influence in the corporate world. This will to a large extent guide and help future generation to understand the essence of corporate governance gender diversity to corporate practices and enable them do the needful.

Government and NGOs: The outcome of this study will provide an evaluation framework for policy makers to put up policies that will enhance the laws on corporate governance and gender diversity in corporate practice.

Sector Groupings/Industries: This study will assist agricultural establishments, banking and financial and general services, conglomerates, construction and real estate companies, manufacturing and consumer goods oriented corporations, healthcare, ICT and natural resources organizations to identify the efficiency of gender diversity in contemporary times, to their diverse industries.

Conclusion

This research design enabled high quality interactions,

detailed responses and feedbacks from Nigerian quoted companies' top corporate and management team officers such as chief executive officers or managing directors (CEOs/MDs), chief operating officer (COOs) chief financial officer (CFOs), chartered company secretaries and administrators (CoSecs) executive directors (ED) as well as indispensable regulators in different industry strata. The study made some propositions and conclusion based on the logical inference from the diverse interviews recorded, transcribed and collated. Phenomenology research design was unique and fundamental in the successful execution of field work for this study.

References

1. Alison Rodriguez & Joanna Smith, 'Phenomenology as a healthcare research method, 2018.
2. Volume 21, Issue 4, 102.
3. John Maxwell A. Qualitative Research Design: An Interactive Approach. Thousand Oaks, 2013.
4. CA: SAGE Publications, Inc. pp.135-136.
5. John W Creswell, Qualitative Inquiry & Research Design: Choosing Among the Five Approaches.
6. Thousand Oaks, CA; SAGE Publications, Inc, 2013, 77-83.