

THE FORUM OF EDITORS OF ACADEMIC LAW JOURNALS IN SOUTH AFRICA

GUIDELINES FOR BEST PRACTICE IN EDITORIAL DISCRETION AND PEER REVIEW

Background

“Guidelines for Best Practice in Editorial Discretion and Peer Review for South African Scholarly Journals” were approved by the Academy of Science of South Africa Committee on Scholarly Publishing in South Africa on 5 February 2008, and by the ASSAf Council on 7 March 2008. The Forum of Editors of Academic Law Journals in South Africa (“the Law Editors’ Forum”) supports this initiative, and believes it is an important step towards further enhancing the quality and integrity of South African scholarly journals.

However, due to the general nature of the ASSAf Guidelines, the need exists for further guidance as to what would constitute best practices in specific research environments which may differ in the way in which knowledge is acquired, evaluated and disseminated. The Law Editors’ Forum has consequently adopted this additional set of Guidelines for Best Practice in Editorial Discretion and Peer Review. These Guidelines are aimed at achieving the ASSAf Guidelines’ general objectives by highlighting, supplementing and restating those aspects of the ASSAf Guidelines which are of particular importance in the publication of legal scholarship.

These Guidelines apply to the publication of research contributions which are eligible for subsidy in terms of the “Policy and Procedures for Measurement of Research Output of Public Higher Education Institutions” (GG25583, No R1467 of 14 October 2003). They accordingly apply to legal articles, review articles, notes and case notes (hereafter referred to as “contributions” or “submissions”), but not to correspondence, abstracts, obituaries, book reviews, news articles and advertorials.

A Fundamental principles of research publishing

The Law Editors’ Forum agrees that originality is of fundamental importance in scholarly research. To promote the publication of original material, the following best practices are recommended:

- 1 Journals may only publish contributions which have not been published previously. This principle may, however, be deviated from in exceptional cases, for example where a contribution has appeared in a foreign source which (a) does not enjoy

accreditation locally and (b) is generally inaccessible to the local research community. Typical examples of such contributions include foreign collections of essays and *Festschriften*, as well as conference proceedings which have not been published by a recognised publisher or which have only been circulated among conference participants. If required, permission for re-publication must be obtained. When a journal republishes a contribution, the source of prior publication must be clearly acknowledged.

- 2 Where an author has submitted a contribution to a specific journal, such a contribution may only be submitted for publication in another journal if the author has withdrawn the contribution from the former journal, or if the former journal has rejected its publication.
- 3 All sources used in preparing a contribution must be appropriately and fairly cited. Quotations must clearly be distinguished from the rest of the text, and must be accompanied by the relevant reference.
- 4 In the field of legal research, substantial contributions to knowledge development generally take the form of articles. Journals may further publish refereed contributions in the form of shorter notes or case comments, but these contributions must contain critical discussions and must not merely be descriptive.
- 5 Only persons who contributed directly to the submission may be cited as authors.
- 6 Authors' institutional affiliations, which includes the relevant faculty in the case of universities, must be disclosed, and sources of funding relevant to the article in question must be acknowledged where applicable.
- 7 Studies addressing a particular question should preferably be presented once as a full record of the work and its results.
- 8 The majority of contributions to a journal over a reasonable period must be from more than one institution and the journal must be distributed beyond a single institution.
- 9 Journals are permitted to invite authors to submit contributions for publication, but such contributions must be dealt with in the same way as other contributions.
- 10 Journals must be published regularly.

B The role of editorial structures

While there may be large or small editorial teams in charge of the production of particular journals, and variable designations of the participants, a key purpose of such editorial structures is to provide responsible and fair editorial oversight. In this regard the following best practices are recommended:

- 1 Each journal must have an editorial policy which is accessible to authors and which sets out the aims of the journal and basic practices in selecting submissions.
- 2 Each journal must have a style guide which is accessible to authors and which contains the formal requirements for the publication of contributions.
- 3 Upon receipt of a submission, an initial assessment must be made as to whether it falls within the aims of the journal. If this assessment is negative, publication of the submission must be declined. An initial assessment may further be made as to whether the requirements of the style guide have been met. If this assessment is negative, publication of the submission may be declined.
- 4 All submissions must be subjected to peer review in terms of part C below. The reviewer reports must then be assessed by the editor to decide whether, individually and collectively, they support the publication of the contribution in question; whether publication should follow once certain improvements are effected and/or further work is done and reported on, or whether the paper should be refused. In deciding whether to publish a submission, editors should accord significant weight to the referees' reports. The editor's decision on publication, after considering all the reports, is final. No outside interference, for example by a university or publisher, is permitted. Editors should convey relevant comments of reviewers to authors, but without compromising the reviewer's anonymity.
- 5 All reports and substantive correspondence relating to published papers must be properly stored and must be readily accessible to the editorial board on request.
- 6 Each journal shall have an editorial board to provide editorial oversight and advice to the editor and other persons involved in producing the journal. The editorial board must include members beyond a single institution and must reflect expertise in the subject area in law for which the journal is established.
- 7 Editors who submit papers to their own journals must delegate the editorial discretion in respect of those papers to another member of its editorial team.
- 8 Editors must compile annual reports on their journals for consideration by their editorial boards.

C The selection and role of peer reviewers

- 1 Each submission must be subjected to anonymous (“blind”) peer-review by at least one but preferably two reviewers. In the event of conflicting recommendations, a further reviewer or reviewers may be consulted.
- 2 In principle, anonymous (“blind”) reviewing entails:
 - 2.1 that an author is not informed about the identity of a reviewer;
 - 2.2 that a reviewer is not informed about the identity of an author; and
 - 2.3 that reviewers are not informed about each other’s identities.
- 3 Peer reviewers should be scholars who have not previously co-authored extensively with the author(s), who are free of known bias in relation to the subject matter, the author(s) and/or their institutions, and who can cover, from a position of authority and peer expertise, the topic(s) dealt with in the paper concerned
- 4 Peer reviewers must always report in writing, with clear recommendations for acceptance of the paper in question (with or without revision) or rejection, as the case may be.
- 5 A journal may from time to time publish a list of its peer reviewers, but journals are free to decide against the publication of such a list or inclusion of a name on such a list if the risk exists that the confidentiality of the reviewing procedures may be compromised.
- 6 Where a submission is based on a thesis or dissertation submitted for degree purposes, the prior academic examination of such a thesis or dissertation does not qualify as peer review or ground for acceptance for publication in accordance with these Guidelines.

Adopted on 7 August 2008
