

Publication Ethics Policy

The Toronto Metropolitan University Law Review (“TMU Law Review”) is committed to publishing works that conform to strict ethical standards and accord with the specific requirements set out by the TMU Law Review.

Our **Editorial Team** aims to prevent unethical publication practices by:

- Developing and implementing robust practices for all stages and aspects of the review and publication process, including internal reviews carried out by the editorial team, identification of peer reviewers, and citation verification;
- Assessing submissions based on the mandate, standards, policies, and procedures set out by the TMU Law Review;
- Recognizing and taking appropriate steps to avoid conflicts of interest and minimize potential biases within our review process;
- Upholding the integrity of the double-blind review process by ensuring our policies and procedures support the process and its confidentiality;
- Publishing corrections or clarifications, where they arise, in a timely manner;
- Providing comprehensive training to our Editorial Team on their ethical obligations;
- Responding to suspected ethical breaches, including research or publication misconduct, in a timely and appropriate manner;
- Reviewing the TMU Law Review’s standards, policies, and procedures periodically and making changes to ensure alignment with best practices in publication ethics; and
- Ensuring transparency of the TMU Law Review’s standards, policies, and procedures.

Ethical Guidelines for Authors and External Reviewers¹

(1) The TMU Law Review expects **Authors** to:

- Submit only original works comprising of information that is neither fabricated nor otherwise falsified;
- Adhere to applicable criteria for authorship, namely, substantial contribution and accountability for the work that was done and its presentation in the submission;²

¹ “Creating a Culture of Publication Integrity Together” (last modified 2023), online: *Committee on Publication Ethics* <<https://publicationethics.org/>> [COPE].

² According to the Committee on Publication Ethics, the minimum requirements for authorship are (1) substantial contribution to the work and (2) accountability for the work that was done and its presentation

- Obtain consent from all authors and contributors for submission and publication, if the work is co-authored;
- Declare author contributions in the submission;
- Acknowledge non-author contributions in the submission;
- Declare any conflicts of interest at the time of submission, and update the TMU Law Review if relevant issues arise after submission or publication;
- Adhere to applicable professional ethical standards in the relevant field of research and scholarship;
- Ensure exclusivity of submissions (i.e., submission to one journal at a time);
- Ensure all sources can be corroborated and sufficient information from materials not readily accessible online is made available;
- Ensure that submissions comply with the *TMU Law Review Style Guide for Authors*;³
- Obtain all necessary permissions for use and reproduction of any information and source materials that are not publicly accessible or subject to copyright limitations;
- Participate in the internal review and external peer review process respectfully and appropriately, including responding to feedback within the specified time frame; and
- Inform the TMU Law Review of any corrections, clarifications, or other concerns relating to the work as they arise, including after the work is submitted and/or published.

(2) The TMU Law Review expects **External Reviewers** to:

- Uphold the integrity of the double-blind review process by recognizing and accounting for any biases that may affect their ability to provide an informed and impartial review;
- Declare any conflicts of interest at the time of the review and update the TMU Law Review if relevant issues arise;
- Maintain strict confidentiality of the work being reviewed and avoid reproducing or sharing it;
- Personally complete reviews, without handing the task off in whole or in part to another person without the TMU Law Review's consent;
- Advise the TMU Law Review and withdraw from the peer review process if confidentiality is compromised or otherwise cannot be upheld;
- Provide constructive, honest commentary in a respectful manner (i.e., tone, language, content);
- Conduct the review in a timely manner; and
- Advise the TMU Law Review of any suspected research or publication misconduct.

in a publication; COPE Council, "COPE Discussion Document: Authorship" (September 2019) at 4, online (pdf): <<https://publicationethics.org/authorship-discussion-document>>.

³ "TMU Law Review Style Guide" (last modified August 2022), online (pdf): *TMU Law Review* <<https://www.tmulawreview.com/style-guide>>.

Definitions, Policies, and Procedures

(1) CONFLICTS OF INTEREST (COI)

Definition: Situations that have the potential to influence one’s judgement in the process of publication, peer review, editorial decision-making, and publication management. A COI can be thought of as something that, if undeclared and discovered at a later time, would make a reasonable reader feel misled.⁴

TMU Law Review policy:

- Where a COI presents itself, the author(s), reviewer(s), editor(s), or any other party that might be involved in the review process must disclose the type, extent, and time frame of the competing interest (e.g., disclosing a study’s source of funding).
- Disclosure of a COI is mandatory once it arises, including during the review process or after publication.
- Once the TMU Law Review is notified of or identifies a COI, the Editorial Team will undertake a review, the outcome of which will inform the appropriate course of action, with the goal being to preserve the integrity of the TMU Law Review’s processes and the broader scholarly landscape.
- Information outlining the TMU Law Review’s investigation and response will be made available upon request, subject to confidentiality requirements and other applicable limitations, as deemed necessary by the Editorial Team to ensure alignment with best practices in publication ethics.

(2) CONFIDENTIALITY OF THE PEER REVIEW PROCESS

TMU Law Review policy:

- TMU Law Review administrators (i.e., the Submissions Manager and the Business and Operations Manager) who have knowledge of authors’ and reviewers’ identities must not, under any circumstances, disclose those identities to any other parties until the review process is complete.
- Editors and reviewers must keep all details of a submitted work’s editorial and review process confidential until a final publication decision is rendered.⁵
- Editors and reviewers must keep all manuscripts confidential with respect to outside parties – if advice from colleagues is sought by reviewers in the process

⁴ Trevor Lane on behalf of the COPE Education Subcommittee, “Conflicts of Interest Focus” (9 May 2018), online: *Committee on Publication Ethics*
<<https://publicationethics.org/news/cope-education-subcommittee-focus-conflicts-interest>>.

⁵ “Confidentiality” (last modified 2023), online: *Nature Portfolio*
<<https://www.nature.com/nature-portfolio/editorial-policies/confidentiality#:~:text=Editors%2C%20authors%20and%20reviewers%20are.of%20reviewers%20are%20not%20released>>.

of review, the TMU Law Review should be consulted⁶ and the name(s) of the involved colleague(s) disclosed in the Peer Review Form.

- In the event that a reviewer is able to identify the author(s) of the work they are reviewing (e.g., through self-citation, area of expertise, etc.), that reviewer must not communicate with the author(s) directly during the review process.
- Whether the submitted work is ultimately published by the TMU Law Review, all correspondences relating to the work, review forms, and any other confidential materials will not be published or otherwise released without the written consent of the individuals to whom the materials pertain.
- This policy may be limited by reporting requirements in case of suspected misconduct or legal action.
- If the TMU Law Review is notified of or identifies a confidentiality breach, the Editorial Team will undertake a review, the outcome of which will inform the appropriate course of action, with a view to preserving the integrity of the TMU Law Review's processes and the broader scholarly landscape.
- Information outlining the TMU Law Review's investigation and response will be made available upon request, subject to limitations deemed necessary by the Editorial Team to ensure alignment with best practices in publication ethics .

(3) FALSIFICATION, FABRICATION, AND PLAGIARISM

Definitions:⁷

- **Falsification:** Manipulation of research materials, processes, or data with the result that the work produced is not an accurate representation of the research process and outcome.
- **Fabrication:** Making up data or results and recording or reporting them in the submitted work.
- **Plagiarism:** Appropriation of another person's ideas, processes, results, or words without appropriately crediting their source.

TMU Law Review policy:

- Honest errors, omissions and differences of opinion or perspective do not constitute misconduct within the meaning adopted by the TMU Law Review.
- Suspected falsification, fabrication, and/or plagiarism or any other ethical misconduct must be reported to the TMU Law Review in a timely manner at tmulawrev@torontomu.ca.
- Once the TMU Law Review is notified of or identifies potential ethical misconduct, the Editorial Team will take all reasonable steps to investigate the allegation and respond accordingly, including:
 - Contacting the author(s) and/or reviewer(s) to gather information and ask for clarification;

⁶ *Ibid.*

⁷ The Office of Research Integrity, "Definition of Research Misconduct", online: *U.S. Department of Health & Human Services* <<https://ori.hhs.gov/definition-research-misconduct>>.

- o Collecting further information on noted misconduct by conducting online searches, reviewing cited materials and utilizing a plagiarism checker tool, as needed;
- o Contacting Editors-in-Chief of other law journals, where necessary, in accordance with Committee on Publication Ethics (COPE) Guidelines;⁸
- o Engaging external parties (e.g., colleagues at the author's and/or reviewer's institution) regarding the matter, if deemed necessary
- Information outlining the TMU Law Review's investigation and response will be made available upon request, subject to limitations deemed necessary by the Editorial Team to ensure alignment with best practices in publication ethics.

(4) INTELLECTUAL PROPERTY

TMU Law Review policy:

- As an open access journal, all issues and works accepted by the TMU Law Review will be published on our website.
- The submitted and published works are the authors' intellectual property; the authors retain copyright in their work on publication.

(5) REVIEWERS AND THE REVIEW PROCESS

The TMU Law Review operates on the premise that authors, reviewers, and others engaged in scholarly research and publication act honestly and with good intent in their dealings with the TMU Law Review. Where issues are discovered, the Editorial Team will take all necessary steps to investigate and respond appropriately.

Definitions:

- **Peer-review manipulation:** Any conduct by an author and/or reviewer that undermines the integrity of the peer-review process. Includes:
 - o Authors suggesting friends as reviewers, with whom positive reviews are agreed to in advance
 - o Authors arranging with one another to review each other's works positively
 - o Authors creating fictitious identities and suggesting them as reviewers

TMU Law Review policies:

- **Selecting reviewers:** The TMU Law Review seeks to populate and continuously update an expert database of prospective reviewers. Reviewers are identified and contacted based on the alignment of their area of expertise with the subject matter of the submitted work, among other factors.

⁸ COPE, *supra* note 1.

- **Nominating reviewers:** The author(s) of a work may, on submission, propose suitable reviewers for their work who do not have a COI, and these suggestions will be taken into consideration. Reviewers contacted by the TMU Law Review may also propose possible other reviewers for a work and the Editorial Team may contact the proposed reviewers requesting their participation in the review of the work, subject to COI and confidentiality.
- **Review process:** The TMU Law Review follows a double-blind review process. This means that throughout the review process, the identities of authors and reviewers are known only to TMU Law Review administrators, ensuring that submitted works are judged impartially and in an unbiased manner, which is critical to the academic integrity of the TMU Law Review. See our ‘Manuscript Anonymization Policy & Procedure’⁹ for more information and visit our website (<https://www.tmulawreview.com/>) for guidance on anonymizing your work before submission.¹⁰
- **Review timelines:** The full publication process, from initial receipt of a submission to final publication, takes approximately 5-7 months. This may vary from case to case based on the length and complexity of a work and the availability of subject matter experts to review the work, among other factors. Our aim is to have internal reviews and external reviews completed in a timely manner and to notify authors of decisions and next steps as soon as that information is available.
- **Peer review manipulation:** If the TMU Law Review is notified of or identifies potential peer review manipulation, the Editorial Team will take all reasonable steps to investigate the allegation and respond accordingly, as outlined under the ‘Falsification, Fabrication, and Plagiarism’ section above.
- **Editing reviews:**¹¹ One of the TMU Law Review’s aims in the peer review process is for authors to receive constructive feedback to facilitate the improvement and further development of their work, and to prepare their work for publication, regardless of whether the reviewed work is ultimately published by the TMU Law Review. When communicating the results of the peer review stage to authors, the Editor-in-Chief may invoke their discretion to redact some aspects of reviews that do not align with our policy requiring reviewers’ commentary be conveyed in a constructive and respectful manner. These redactions will not change the meaning or intention behind substantive aspects of a review to preserve the reviewer’s professional opinion on the quality, content and intellectual validity of the reviewed work.

(6) OTHER COMPLAINTS/ISSUES

The TMU Law Review’s Publication Ethics policies aim to align with the recommendations of the COPE.¹² If a matter is not addressed in the policies set out above, please contact the Editorial Team at tmulawrev@torontomu.ca.

⁹ “How To Anonymize Your Submission”, online: *TMU Law Review* <<https://www.tmulawreview.com/anonymization>>.

¹⁰ *Ibid.*

¹¹ COPE Council, “COPE Guidelines: Editing Peer Reviews – English” (September 2021), online (pdf): <<https://publicationethics.org/resources/guidelines/editing-peer-reviews>>.

¹² COPE, *supra* note 1.