

Transcript of Radio Ombudsman #10: Jenna Brown on being an Ombuds across borders

Rob Behrens talks to Jenna Brown, Ombuds at the University of Denver and founder member of the European Network of Ombudsmen in higher education. Jenna shares her experience of being a higher education Ombudsman in the US and her passion for sharing learning among the global ombuds community.

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Rob Behrens: Hello. My guest today, played in with music written by the young Bristol composer, David Richards, is Jenna Brown.

Jenna Brown is Radio Ombudsman's first North American guest, and she is very welcome indeed.

Jenna is ombuds at the University of Denver, Colorado, which has more than 12,000 students, and alumni in 145 countries.

She's a founder member, and member of the leadership team of the European Network of Ombudsmen in higher education, and I believe she attended the inaugural conference in Holland in 2003.

She has also spoken at conferences of the very influential International Ombudsman Association.

Now, many of you will know that Jenna writes passionately and influentially about ombudsman practice, and her work regularly appears in the American Journal of the CAL Caucus - CAL stands for California - and in ENOHE publications, too.

I first met Jenna at an ENOHE conference in London in 2008, and I was immediately struck by her ability to reach across borders, to listen very carefully, to question rigorously, and to generously share good practice. Much of this will be on display today, although on this occasion, hopefully, it's my job to do the questioning.

So, Jenna, you're very welcome. Thank you for being with us.

Jenna Brown: Thank you for the opportunity.

Rob Behrens: The tradition, on this programme, is to begin by asking something about the guest, where they were born and brought up, and what values they imbibed from their early years.

Can you help us on that?

Jenna Brown: Well, I'll try.

I was born and grew up on Long Island, east of North York City, in New York State in the US.

There's an interesting time to start there, to come up there, because I was one of several families in a neighbourhood of people from different countries.

Some of them had escaped dire situations in their home countries, and others were aspiring for better.

So, different languages, an infusion of, a wealth of experience and knowledge around me, of which I took great access.

So, I see myself shaped by both biology, and biography.

Biology, being female, and also an inherited metabolic disorder which meant that certain foods I could not eat. So, I could not assume. I was hardwired to question, "What's in this? What's this all about?"

The other thing, by biography, I'm first generation. My father was an immigrant. I'm the first born of a large family, and took on care of the family after my parents died.

So, the values that I have come directly from... transmitted through family, but also from experience.. And the values of those of fairness, equality, equity, that education is important, and experience is essential, that people in elevated positions may be operating from assumptions, and that everyone has something to teach us.

Rob Behrens: So, it's a strong civic tradition that you come from.

Jenna Brown: Absolutely. Yes.

Rob Behrens: Internationalism, strong belief in equity, family values. The American dream?

Jenna Brown: I don't know. This was certainly my experience of America. Was it the American dream? I don't know. That was my America.

Rob Behrens: Where did you go to school?

Jenna Brown: I went to primary and secondary school, at the public education. Walking to school every day because it was - at least for primary school - you could walk to school, which was unusual for that place. Secondary school, I took a bus and... a consolidated district.

So, where I had a small school for primary school, secondary school were 320 students from a 25 square mile area, a regional area.

Rob Behrens: Sorry. What do you mean by consolidated?

Jenna Brown: School districts in that part of the country are really quite important. Different than municipal government. They are villages and towns, and counties, but the school district draws people from a geographic area, and this school district covered a geographic area of 25 square miles.

Rob Behrens: Right.

Jenna Brown: And people, otherwise in isolation in their villages, or hamlets, or towns, were drawn together by this strong influence. In hindsight, I recognise this as a strong influence.

So, we had exposure to one another that we might not have had, and that's why school districts - at least in that part of the country - are hugely important.

Rob Behrens: So, did you go to university?

Jenna Brown: I did.

Rob Behrens: What did you study at university?

Jenna Brown: Well, what I studied and what I learned. (Laughter)

So, I went to a public university, the state university college, then called the State University College of New York at Oswego, Upstate New York, and it included a third year, in my third year study abroad in France.

So, it was an exposure to American culture at university, and then also to an international environment in France for the year.

I think my academic record demonstrates that I thrive in the experiential environment, and less so in the academic, but I did learn something interesting in the academic environment.

I remember one particular experience where I was struggling with a course, an introduction to philosophy course. I was really struggling to understand what the instructor was trying to convey.

And I was walking through the corridors of an old building on this campus - which had many modern buildings, but this happened to be the old one - and I walked by and I must have

had some, “I’m lost. Where am I going?” look on my face, because some - it turns out an academic, an important academic - called me in, “May I help you? Where are you going?” I said, “Well, I’m lost, but I don’t quite know how to find my way,” and we wound up having a conversation about philosophy, in which he reviewed all of these principles that we had been discussing. He said, “You absolutely understand what’s going on here,” and it was the most...

Do I remember the specifics of the conversation? No. Am I reassured that in conversation with somebody who knew the information that I could absorb, or learn and understand? Absolutely; and that’s when I began to really appreciate explicitly the value of the formal, but also the informal on these opportunities for engagement.

Rob Behrens: One of the distinctive features of your practice is to deploy conversation and exchange in helping to resolve issues. So, that’s not a surprise to hear.

So, what did you do before you became an ombuds?

Jenna Brown: No surprise to you, a variety of things.

I started out teaching in a secondary school, and then in adult education. Then a post-secondary school with underprepared college students.

What I like to say is, I graduated my way out. I worked my way through and found... during these experiences, I was invited to moderate different meetings that were coming up.

So, I moved from the East Coast, from New York, to Colorado - a different story - but I landed in a place where I was able to do those things that I had been teaching others to do, but I also wound up working with a community dispute resolution centre that was involved in teaching and doing mediation.

So, that began what became the second wave, the second career, in dispute resolution.

So, in that transition, I mediated disputes, domestic disputes, divorce, child custody visitation, independently or through the courts. Gangs, pre-gun; those were the knife days. Neighbour/neighbour disputes.

I also assisted in different training courses that were going on, teaching people how to mediate; and then supervised mediators in different arenas, different venues, helping them develop their professional expertise as mediators.

Rob Behrens: I want to come back to the role of mediation in the course of our discussion, but when did you actually become the ombuds at the University of Denver?

Jenna Brown: May '99.

Rob Behrens: May '99. Okay.

Jenna Brown: Yes.

Rob Behrens: In the United States and Canada, there's a different understanding about the role of an ombuds, or ombudsman, compared to the UK, what ombudsmen do, and don't do.

So, what is your role as ombuds at the university?

Jenna Brown: I'll start with what I call geek speak, and then move to plain speak.

Geek speak, I provide confidential and informal assistance to anyone having problems with or within the university.

Plain speak, I help people make sense of their situations, understand the options and strategies to address and resolve those, provide assistance, as appropriate, connect them with

the resources available to them within the university and elsewhere, and then see how those resources are working.

Rob Behrens: Okay.

So, just to be clear then, you're instrumental in what you do. You encourage people to resolve issues themselves by giving them support and advice.

Whereas, in the traditional approach in this country, we would be quicker to intervene by adjudicating.

Is that fair?

Jenna Brown: I think that's quite accurate. Yes.

Rob Behrens: Okay.

What is the advantage of doing it that way in the United States?

Jenna Brown: I think that's interesting. The advantage... I think there are differences. I don't know about the advantage, because there has been discussion about that.

There's certainly a variation in practice across the US, some that lean towards the adjudication, and others that shy away from it immensely.

I think what it does - at least within the university - is encourage the university, involve the university, in addressing and resolving its disputes, also in prevention.

So, this approach really does help the university be engaged with its population, help prepare its population, help prepare itself, and make changes as it needs to.

Rob Behrens: If I understand it properly, in America, there's a predominance of what they call the organisational ombuds

tradition, where the jurisdiction is within institutions rather than across them, in general.

So, there would be thousands of people like you at universities and public institutions across the country doing a broadly similar thing.

Jenna Brown: The numbers aren't nearly as high as that.

In the US, what we would say is there are four kinds of ombudsman.

There are some that are very much in your tradition, and they're in different state governments or municipalities. Notably, the State of Hawaii, the State of Alaska, a county within a state in the Pacific Northwest. There's something akin to the Citizens Advocate in New York City, for example.

The distinction between organisational and classical is, to my mind, somewhat confusing, and there has been a move to consider inward facing and outward facing ombudsmen, and how they function. So, it's rather an elegant mess.

What does seem to be true, or current, right now, is the numbers are increasing, certainly in higher education, and across the country.

Rob Behrens: Do you think you can be properly independent from within an institution rather than being appointed to scrutinise it from the outside?

Jenna Brown: I think we are obligated to question, to look at our independence, real and perceived.

The truth of it is, we do get paid to do this job within an institution and we have to ask ourselves, and be aware of

that question, regardless of where we are, within an institution or elsewhere, who pays you, “Are you beholden to them, and if so, how?”

Then there’s structural independence. There’s relational independence.

I think independence is something that we have to be aware of and struggle with every day.

Rob Behrens: So, we know that in American universities, Canadian universities, all over the world, they appoint people in different ways, so they have different degrees of independence according to factors which you’ve just talked about.

What do you think British ombuds people can learn from American practice?

Jenna Brown: To see this practice as an evolving tradition, not a fixed position, and that we, regardless of where we are, need to consider how to apply the ombuds’ principles in our particular environment.

By principles - and there is some discussion about what those principles are - independence, informality or relative formality, whatever that might be, impartiality, and confidentiality, which we’ve spoken about, and fairness, also appears among the list of the principles.

What I would suggest we all consider is the expectations of the organisation within which we work, the expectations or needs of the visitors that we work with...I say visitors...clients, complainants, and also what we bring to the table. And to recognise that these three are in a relationship, and that to be relevant we need to embrace both the

principles of the practice, and also the three factors of the organisation, the visitor and ourselves.

Rob Behrens: I mean, I don't want this to be a cosy conversation, but I actually agree with you on that.

One of my ambitions is to draw on some of the good practices that one learns about internationally and deploy them alongside the adjudication techniques, which are excellent in this country, but can be supplemented with different approaches.

I think that's true for everybody. It's not just a British weakness. It's true of everybody that they can learn about what works and, of course, it has to work in the local situation. I accept that.

So, while we're about it, do you think that the term, ombudsman, is a gender biased term?

Jenna Brown: So, no surprise to you, I'm going to dance away from that one, back away from it. I'm agnostic, to use a term I've heard here.

In the US, we say, ombud, ombuds, ombudswoman, ombudsperson, ombudsman.

So, while I recognise those are all out there, I do see an evolution where there's a movement to move towards ombudsman and ombuds, or ombud, but I really do not like the term ombuds officer. I have seen that also appear in the US.

Rob Behrens: So, you wouldn't have a problem if I referred to you as an ombudsman, which is etymologically probably the correct term?

Jenna Brown: Well, what I do love is to go to Norway and Sweden and ask them, and they just... They've moved on. So, that maybe a term fixed in time and have fixed in our countries, but the term...

What I'll say is, I recognise that you use the term ombudsman, and I also know that it means something to you in this context and that the office that I work... the title that I have, is ombuds, and it means something in that context.

Rob Behrens: You're very discreet and honourable.

I mean, all I would say is that I asked my Swedish counterpart about this, and they were set up in 1809, and I said to her, "Do you think it's a gender biased term, ombudsman?" and she said, "Well, it's really too early to make the decision. We've only been operating for 200 years. Perhaps we need to go on a bit longer."

Jenna Brown: I do want to stop you there though, because coming into the border, it's been interesting now several times.

On the passport control card, you have to identify your profession, and I put ombudsman down; not ombuds, but ombudsman, and one time coming through, the passport control officer said, "Oh, ombudsman. Oh." And I, of course I... "Oh, what does that mean to you?" She said, "Oh, you protect us." I thought that was fascinating.

Then, most recently coming in, "Ombudsman?" "Yes." "Where do you do that?" I said, "Well, in a higher education context." He was really quite interested in the notion of ombudsman.

My exposure at the border, is the term is recognised. It has some value. It's also seen as perhaps more elevated than I see my own role within the university.

The term ombudsman means something here.

Rob Behrens: Yes. It's what they call the brand which is one of the reasons why some people are reluctant to change the term.

Can we just move on to the issue of whether or not the ombudsman is an embryonic profession?

That's what I think it is, and I think we have much to do to professionalise our competency frameworks, our induction, our training, our career development.

Do you share that view?

Jenna Brown: I do, very much so.

To your point, when I first started this job, now, almost 20 years ago, I thought it was much more developed than it was then, and that was 20 years ago.

I was given, with great confidence, contradictory information about how to do my work; and finally, somebody came over to me and said, "Jenna, the dirty little secret, we don't all practice the same way."

Now, that was 20 years ago. That's still true. I think it's evolving.

My concern is, if I felt that way 20 years ago, my concern is, as these different structures appear, that there's an illusion that the field, the profession, if you will, is more clear than it was then, and it's not.

Rob Behrens: No.

My sense is that there are lots of professions, like lawyers, for example, who are so proud of being a profession, and that really marks them out. Whereas, we seem to be reluctant to take the step.

Some of our colleagues in higher education would say that their professionalism comes from their academic expertise, which no doubt it does, but I don't think that's the point.

Jenna Brown: And I think that does vary from country to country.

In the US, there has long been a push for professionalisation.

My exposure to some other countries has made me appreciate how different that is, but they have different circumstances, as well.

I think of one country in particular where they say, and they are, the ombudsman is enshrined in law. Why do we need a profession if the law says we exist? So, I appreciate the difference.

Rob Behrens: I'm not sure a judge could use that defence, but anyway, that's fair enough.

So, because of the importance of professionalising, that's why ENOHE, the European Network, and other similar networks of ombudsmen, is so important really because if we don't find ways of talking to each other through bodies like the International Ombudsman Institute, and the IOA, and so on, then we're going to be impoverished because we don't share things.

But ENOHE is interesting, isn't it? Because, first of all, people will ask me, "Well, what is Jenna doing in ENOHE? She's a

New York American, and here she is giving encouragement and support, and advice to colleagues in Europe.”

What’s the value? What intrigues you about ENOHE?

Jenna Brown: I find it an essential forum to listen and learn from one another.

I learn from contrast, so the exposure to those differences helps me clarify what my own work is, so I become more clear, learn new things, new ideas, and engage with colleagues from different perspectives and different countries; not just within the ENOHE conference, but through that network.

It has been incredibly important, and essential to my work.

Rob Behrens: And essential to the people who listen to your teaching, as well.

So, take a deep breath, and tell us how you see the role of the ombuds in 50 years’ time. Still here?

Jenna Brown: Actually, I jotted down something because I did think about that.

I think, still here. Still...maybe it’s wishful thinking, but relevant, appreciated, enduring, because of both... it’s the fields upholding those principles, and also being relevant to the population and the needs. So, both enduring and adapting.

So, still here, I think so. If...

Rob Behrens: What’s the biggest risk, because there’s a danger that we become isolated from the communities we serve?

Jenna Brown: That’s right. That’s right.

That is my concern, always, that insularity will not only make us more ineffective, but also could inflict time. So, that is the one thing I absolutely rail against, is the insularity.

Rob Behrens: Okay. Last question.

Jenna Brown: Yes.

Rob Behrens: We always end like this.

What advice would you give to young graduates, like many of my colleagues here in Manchester just taking their first jobs as ombuds people? What would you say to them?

Jenna Brown: Don't assume, ask. Listen and learn.

What you're saying here is that these people have already got a job. I meet a number of people who aspire to this work.

So, I guess it goes back to my own roots, doesn't it? With education, and experience, and to value both, and to engage. Yes.

Rob Behrens: Okay.

Jenna Brown, it's been a delight. Thank you very much indeed.

Jenna Brown: Thank you. My privilege.

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