



Cabot Place, 1100 – 100 New Gower Street, P.O. Box 5038  
St. John's NL A1C 5V3 Canada tel: 709.722.4270 fax: 709.722.4565 [stewartmckelvey.com](http://stewartmckelvey.com)

File Reference: SM2467-284

Ruth E. Trask  
Direct Dial: 709.570.8893  
[rtrask@stewartmckelvey.com](mailto:rtrask@stewartmckelvey.com)

April 9, 2026

**Without Prejudice**  
**Via Electronic Mail**

O'Dea, Earle  
PO Box 5955  
323 Duckworth Street  
St. John's NL A1C 5X4

**Attention: Kyle Rees**

Dear Mr. Rees:

**Re: 2022 01G 1492, Matthew Barter v Memorial University of Newfoundland**

We write further to our recent discussion regarding the decision of Associate Chief Justice McGrath in *Barter v Memorial University of Newfoundland*, 2025 NLSC 67. As you know, the formal Order remitted two issues for reconsideration with the benefit of the Court's reasons, namely the Final Decision Maker's findings pursuant to section 5(e)(4), and the finding of 'intimidation' under section 5(a)(5), of the Student Code of Conduct.

Our client wishes to resolve this matter expeditiously, and without the need to proceed with a reconsideration by the Final Decision Maker. We are seeking your confirmation that the matter will be resolved on the basis set out in this letter.

The University is prepared to concede that there is likely insufficient evidence of a disturbance which would rise to the level of a Code violation, and thus there is no reason to remit the issue under s5(e)(4) for reconsideration. Similarly, the University is willing to concede that the use of the word "intimidation" may have been unreasonable given that the previous decision maker had focused only on bullying and harassment, and therefore forgo the need to reconsider whether Mr. Barter engaged in "intimidation", which is the only element of s5(a)(5) which was remitted by the Court.

There is no change to paragraph 2 of the formal Order, which upheld the Final Decision Maker's finding on bullying and harassment. Your client acknowledges that (i) the non-academic probation and (ii) the letter of reprimand issued to him constitute the sanctions that were imposed in response to the finding of bullying and harassment.

Mr. Barter has long since concluded the required non-academic probation. However, the University is willing to expunge any record of the non-academic probation from his student file.

The University is also willing to forgo the need for Mr. Barter to complete a course on the effects of bullying and harassment, because of the significant duration between the Final Decision Maker's ruling and the Court decision.

[4153-1167-0632](tel:4153-1167-0632)

Kyle Rees  
April 9, 2026  
Page 2

Kindly confirm your client's agreement to the terms and conditions identified in this letter by return correspondence.

We look forward to hearing from you, and bringing a final conclusion to this file.

Yours truly,

Stewart McKelvey



Ruth E. Trask  
Partner

RET

By placing my signature below, I, **Matthew Barter**, indicate that I acknowledge and agree to the contents of this letter.

---

Date

---

**Matthew Barter**