



THE PERMANENT JUDICIAL COMMISSION
of
THE EVANGELICAL PRESBYTERIAN CHURCH

ROBERT MCCLELLAND, TEACHING ELDER, v.
PRESBYTERY OF THE CENTRAL CAROLINAS

ORDER OF THE COMMISSION

[December 30, 2025]

This commission has received and reviewed the complaint filed by Teaching Elder Robert McClelland (the “Complainant”) against the Presbytery of the Central Carolinas (the “Respondent”).

Our first duty is to determine under *Book of Discipline* section D.14-8A whether the complaint states grounds on which relief may be granted. We conclude that it does, subject to the provisions of this order.¹

I. Alleged Procedural History²

On April 10, 2025, several elders from the Complainant’s congregation filed a Form 1 Charge against him, alleging violations of the *Book of Discipline* and certifying compliance with the preliminary requirements of Matthew 18:15-16 and Galatians 6:1.

A judicial investigative committee of the Respondent reported to the presbytery on September 27, 2025, recommending a charge of immorality and a charge of contempt. Based on that report, the Respondent’s stated clerk signed a Form 4 Indictment on October 9, 2025.

The Complainant retained defense counsel on October 27, 2025, and objections to the indictment were filed the same day. An amended indictment, specifying certain additional charges, was issued on October 31, 2025. The Complainant filed a motion to dismiss.

¹ Because we are addressing a threshold matter, nothing in this order confirms the guilt or innocence of the Complainant concerning the charges against him.

² This procedural history is drawn from the allegations stated in the complaint, which, solely for purposes of this order, we have assumed are true. We have not, however, made any findings as to the complaint’s factual accuracy.

Acting through its judicial commission, the Respondent authorized mediation as an alternative to proceeding to trial.³ Mediation thereafter occurred, and the Complainant and the Respondent's prosecutor reached an agreement intended to resolve the matter.

That mediated settlement agreement was presented to the Presbytery's judicial commission on December 5, 2025. The judicial commission declined to give effect to the settlement, determining it to be "null and void ab initio" pursuant to section D.3-2C.3.⁴ The judicial commission also partially denied Complainant's motion to dismiss.

In response, the Complainant and the Respondent's prosecutor submitted a modified settlement agreement. The judicial commission's moderator informed counsel for the Complainant and the Respondent's prosecutor that the commission intended to proceed to trial and would not consider the modified settlement.

The Complainant then timely filed the instant complaint, alleging, among other things, that the Respondent erred by failing to consider the modified settlement and by partially denying the motion to dismiss. He asks us to enter appropriate relief, including "a stay of all sanctions currently being imposed until this case is finally decided."

On December 17, 2025, this commission prospectively stayed "all further judicial action against the Complainant by the Respondent in this matter, including, without limitation, proceeding to trial."

No trial has occurred. No final disposition of the charges has been entered. During the pendency of these and the below proceedings, however, the Complainant has been restricted from the pulpit and from other pastoral functions.⁵

II. Standing

We find that the Complainant has standing to bring this complaint. The Complainant is a Teaching Elder subject to the Respondent's judicial authority, is the defendant in the disciplinary proceedings below, and alleges present aggrievement arising from the Respondent's actions in those proceedings.

III. Scope of Review

At this stage, our review is limited to determining whether the complaint plausibly alleges constitutional error by the Respondent for which we could grant relief.⁶ In conducting this review, we do not defer to a lower court's characterization of its own actions as constitutionally required.

³ It is not clear whether "the written consent of all necessary individuals as determined by the court or commission referring the matter for mediation" was secured as required in section D.3-2A. There is also no indication whether the parties agreed to be bound as specified in section D.3-2C. However, the judicial commission's moderator twice cited D.3-2C as the basis for rejecting the mediated agreement. We assume for the purposes of this order, therefore, that the mediation was conducted as required in section D.3-2.

⁴ D.3-2C.3 states in relevant part, "[N]o settlement can be entered into which conflicts shall conflict with any provision of the Constitution of the EPC. Any such settlement will be considered null and void ab initio (from the beginning)."

⁵ D.7-7.

⁶ D.14-8A.

IV. Findings

Assuming the facts pled to be true, we find that the complaint states grounds on which relief may be granted within the meaning of *Book of Discipline* section D.14-8A.

The complaint alleges that the Respondent authorized mediation pursuant to the *Book of Discipline* and that the parties reached a mediated settlement agreement disposing of the pending charges. The complaint further alleges that the Respondent, acting through its judicial commission, declined to give effect to that settlement for reasons other than constitutional noncompliance.

In addition, the complaint alleges that the Respondent declined to review a modified settlement agreement entered in response to identified concerns and instead indicated its intent to proceed toward trial.

These allegations raise constitutional and procedural questions. Was the Respondent justified in rejecting the mediated settlement agreement? Was the Respondent justified in failing to consider or to give effect to the modified settlement agreement? Resolving these questions does not require a trial, as it does not concern adjudication of guilt or innocence, but rather an evaluation of the constitutional authority exercised by the Respondent.⁷

V. Orders

Pursuant to *Book of Discipline* section 14-8B, we order as follows:

1. The Respondent shall appoint one or more representatives to defend the complaint.
2. The Respondent shall file an answer no later than Thursday, January 29, 2026. The answer shall respond to each allegation in the complaint and shall set forth with specificity all defenses on which the Respondent relies.
3. The Respondent shall provide the full record as required by section D.14-8C.⁸
4. All further judicial action against the Complainant by the Respondent in this matter, including, without limitation, proceeding to trial, shall continue to be stayed pending further order of this commission.

We expressly reserve authority to extend, lift, or modify the stay of proceedings below, as well as the current suspension of the Complainant's pastoral responsibilities. We also reserve authority to issue such further orders and relief as may be required or advisable under the *Book of Discipline*.⁹

So ORDERED.

⁷ If we ultimately hold that the mediated settlement was binding and constitutionally valid, we will necessarily determine the scope of the relief to be granted. Such relief could include, without limitation, dismissal of the charges resolved by the settlement.

⁸ The record in this matter dates from at least April 10, 2025, when charges were originally brought, and shall include, without limitation, any written agreement by parties to be bound by mediation and to comply with the requirements of D.3-2.

⁹ The parties are encouraged to dispute with one another in a manner that maintains the honor of our Lord. See D.14-12.