

United States
Education Service Terms

Last Updated: May 18, 2023

These education service terms (the “Education Service Terms”) will apply to Affirm’s provision of and Merchant’s access to and use of the Services in the United States with respect to any Merchant Product that includes education expenses. Capitalized terms used in the Education Service Terms but not defined below are defined in the Agreement. In the event of any inconsistency, conflict, or ambiguity as to the rights and obligations of the Parties under these Education Service Terms, the terms of these Education Service Terms will control and supersede any such inconsistency, conflict, or ambiguity.

Affirm may amend these Education Service Terms in accordance with the Merchant Agreement.

Article 1. Education Service Terms

To the extent that a Merchant (i) provides any education services or (ii) is a Platform Merchant working with education providers, the provisions of this Article I will apply.

Section 1.01 Post Secondary Education Expenses. Merchant represents and warrants that Merchant is not an institution of higher education as defined by the Higher Education Act (20 U.S.C. §§ 1001-1002) and implementing regulations (34 C.F.R. Part 600) (“Institution of Higher Education”). Merchant further represents and warrants that Merchant would not qualify as an Institution of Higher Education even if Merchant was to become accredited by an accrediting agency recognized by the U.S. Department of Higher Education. Institutions of Higher Education may include, but are not limited to, certain for-profit schools and vocational schools that are regulated by the U.S. Department of Education. Merchant will promptly notify Affirm if Merchant is no longer able to represent and warrant that Merchant is not an Institution of Higher Education.

(a) Merchant should seek the advice of its legal counsel if Merchant is uncertain whether they are an Institution of Higher Education. Merchant may access the following guide, which Affirm has provided to Merchant for illustrative purposes only and which does not constitute legal advice.